

THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED:	July 19, 2018	REPORT NO. PC-18-036
HEARING DATE:	July 26, 2018	
SUBJECT:	CANDLELIGHT, Process Four Decision	
PROJECT NUMBER:	<u>40329</u>	
OWNER/APPLICANT:	Candlelight Properties, LLC, Owner/Walter Sc	hwerin, Applicant

<u>SUMMARY</u>

<u>Issue</u>: Should the Planning Commission approve the subdivision of an undeveloped 44.19acre site to allow for the development of up to 475 multi-family condominium units at the terminus of Caliente Avenue, south of Ysidro High School?

Staff Recommendations:

- 1. CERTIFY Environmental Impact Report No. 40329 and ADOPT the associated Mitigation, Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations; and
- 2. APPROVE Site Development Permit No. 1183455;
- 3. APPROVE Planned Development Permit No. 115000; and
- 4. APPROVE Tentative Map No. 114999

<u>Community Planning Group Recommendation</u>: On April 20, 2016, the Otay Mesa Planning Group voted unanimously to recommend approval of the project with no conditions (Attachment 10).

Environmental Review: Environmental Impact Report (EIR) No. 40329 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting (MMRP) program would be implemented with this project. The EIR determined that the project would result in significant but mitigated environmental impacts to Land Use, Biological Resources, Historical Resources (Archeology), Transportation and Circulation, and Paleontological Resources and significant unmitigated impacts to Transportation and Circulation. The applicant has provided draft Findings and Statement of Overriding Considerations (Attachment 8) to allow the decision-maker to approve the project with significant and unmitigated impacts to Transportation and Circulation.

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

<u>Housing Impact Statement</u>: The project would allow for construction of 475 market-rate multi-family housing units within an undeveloped site. The 44.19-acre site is designated by the Otay Mesa Community Plan as Residential Medium Density and Open Space. The allowable density within the developable portion of the site is 15-29 dwelling units per acre. However, the site is constrained by environmentally sensitive lands and 23.74 acres is proposed for residential use in order to conserve open space lots onsite. The development of 475 units on 23.74 acres equates to 20 dwelling units per acre, which is within the Community Plan's allowable density range of 15-29 units.

BACKGROUND

The undeveloped 44.19-acre site is located approximately 1,400 feet south of State Route 905 and immediately south of San Ysidro High School at the terminus of Caliente Avenue, south of Airway Road and 1.2 miles north the international border with Mexico. The rectangular-shaped site consists of three existing lots and is accessed from Caliente Avenue to the north. The site is located in the Southwest District of the <u>Otay Mesa Community Plan (OMCP)</u> which designates the majority of the site for Residential use, allowing for Medium Density development with a density range of 15-29 dwelling units per acre. A small portion of the project site proposed for development is located in the RM-2-5 zone, which allows one residential unit per 1,250 square feet of lot area or a maximum of 827 units onsite with no minimum requirement. The western third of the site which would be preserved as open space Lot No. 4 is located in the RM-1-1 zone, which allows one unit per 3,000 square feet of lot area. The site is also located in the Transit Priority Area, Airport Land Use Compatibility Overlay Zone, Airport Influence Area and FAA Part 77 Noticing Area for Brown Field.

The site contains Environmentally Sensitive Lands (ESL) in the form of disturbed, upland, wetland/riparian and vernal pool habitats as well as steep hillsides. The site includes Army Corps of Engineers and United States Fish and Wildlife Service (USWFS) jurisdictional wetland areas as identified in EIR No. 40329. The most environmentally sensitive portions of the site are located on the far east and west ends of the site and include portions of Spring Canyon to the east and Dillon Canyon to the west. A total of 2.47 acres of these onsite canyon areas are designated as Multi-Habitat Planning Area (MHPA) lands and are located adjacent to offsite MHPA lands.

The majority of the site consists of flat to gently inclined ground surfaces with steep slope canyon areas occurring at the far east and west ends of the project site. Onsite elevations range from approximately 405 feet above Mean Sea Level (AMSL) at the southwestern corner of the site and 534 feet AMSL in the central portion, with the majority of the site ranging from 480 to 534 feet AMSL.

Surrounding development includes San Ysidro High School to the northeast and the underconstruction 277-unit Vista Del Sur multi-family residential development approved by City Council in January 2017, to the northwest. To the south of the site is an undeveloped area designated by the OMCP for the future <u>Southwest Village Specific Plan</u>. This 472-acre area is designated for mixed-use development however an application for the required Specific Plan has not yet been submitted. Directly south of the project in the future Southwest Village Specific Plan area is the Southwind project, which proposes up to 100 multi-family units but is still in the discretionary review process.

The site is located in the Santee Investments Otay Mesa Precise Plan (Precise Plan), which was adopted by the City Council in November 1993. The 1981 version of the OMCP required the preparation of a precise development plan for each neighborhood prior to the processing of specific development proposals to regulate densities, road alignments, grading, building design and the provision of public facilities. The Precise Plan also requires the creation of specific design guidelines for each individual development. The Precise Plan designates the majority of the site for Medium Density Residential (30 dwelling units per acre). Please see the "Planned Development Permit/Santee Investments Otay Mesa Precise Plan" discussion on Page Six for more information.

DISCUSSION

Project Description:

Project approval would allow the 41.19-acre site to be subdivided into five lots. Three lots would accommodate the development of 475 multi-family residential units and two lots would be preserved as Open Space and serve as the required biological resource impact mitigation for project impacts. As proposed, the project would develop approximately 60 percent of the site and leave approximately 40 percent as open space to be added to the City's MHPA.

Table 1 - Development Summary				
Lot:	Description:	Acres:	Residential Units	
1	Multi-Family Residential	7.72	212	
2	Multi-Family Residential	7.15	130	
3	Multi-Family Residential	8.87	133	
Residential Total		23.74		
4	Open Space	15.85		
5	Open Space	2.10		
Open Space Total		17.95		
Public Roads		2.50		
Total:		44.19	475	

Figure 1 – Proposed Lots



Lots 1-3 – These lots total 23.74 acres and would be developed with up to 475 multi-family residential units. These lots are located adjacent to existing development to the north and future development to the south and represent the least environmentally sensitive portions of the site, consisting primarily of Tier IIIB non-native grasslands and Tier IV disturbed habitat. Mitigation for impacts to biological resources is required for development of these lots, as described in EIR No. 40329. Construction would be phased so that the required sewer infrastructure would be constructed with the first lot developed. The remaining two lots could then be developed independently after sewer infrastructure construction.

Lots 4-5 – These lots total 17.95 acres and would be preserved as open space to be added to the City's MHPA lands. These lots contain the most sensitive onsite biological resources in the form of disturbed wetlands, vernal and road pools, Tier I and IIIB upland vegetation and disturbed Tier IV lands, as described in the project FEIR and MMRP. The lots would also contain the existing 2.47 acres of onsite MHPA lands and portion of Lot 5 is designated as Open Space in the OMCP.

Public Road Improvements – Access to the project would be provided via an extension of the existing Caliente Avenue to the southern boundary of the project site. The project is required to develop Caliente Avenue as a six-lane major with bike lanes, as designated by the OMCP. The project has been conditioned to dedicate and construct to half-width a new two-lane local collector public road along the southern project boundary (Street "A") to provide access to the project site and future development to south. The full right-of-way would be constructed with the future development of the lots to the south. The 1.31 acres of impacts to primarily Tier IIIB non-native grasslands and Tier IV disturbed habitat impacts associated with the future offsite improvement of Street "A" have been analyzed and mitigated for in EIR No. 40329.

Trail and Trailhead Improvements – A six-foot wide access trail to the existing four-foot wide trail would be provided in Lot 3 and adjacent to Open Space Lot 5. Trail and trailhead improvements would include fencing, trail surface and kiosk installation.

All trail improvements would comply with the MSCP Subarea Plan Trail Guidelines for resource protection, materials and location.

Landscaping and Brush Management – The project includes a landscape plan that provides for required street trees, street yard and vehicular use landscaping and MHPA Land Use Adjacency Guideline compliance. The landscape plan also requires compliance with the Candlelight Design Guidelines (Attachment 13) and the development of refined landscape plans during construction phase. Alternative brush management compliance is proposed for the site to limit fire hazards while minimizing impacts to sensitive biological resources and maximizing preserved open space. Final alternative compliance measures will be determined at the building permit phase and may include dual glazed/pane windows, use of fire rated/non-combustible building materials and other acceptable measures subject to Fire Marshal approval. The project has been designed such that the brush management would occur completely outside of the adjacent MHPA areas and open space Lots 4 and 5. Therefore, the brush management conforms with the MHPA Land Use Adjacency Guidelines.

Grading and Drainage – The existing topographical slope for the developable lots ranges from 3.5 percent at the southwest to 1.5 percent to the southeast. Grading would be sensitive to the existing topography and not require extensive landform changes. Less than five percent of the site would require grading in excess of 1.5 feet of cut or fill. Onsite grading would be balanced at approximately 57,000 cubic feet of cut and fill. The site contains 13.4 acres of ESL steep slopes primarily in the canyon areas located at the far west and east portions of the site. Approximately 98 percent of the steep slope areas would be maintained as protected open space in Lots 4 and 5.

The project site is located in the Tijuana River Watershed and as proposed would not substantially modify existing flow patterns. The three developable lots and street system have been designed with appropriately-sized storm water detention basins, in conformance with the Storm Water Quality Management Plan (SWQMP) that was prepared for the project and accepted by City staff.

Project Timeline:

The Candlelight project was deemed complete in June 2004, and has been delayed due to unique circumstances regarding the site, private litigation, Community Plan updates and regulations changes. The original project draft EIR went out for public review in 2006 but was not completed due to the Judge Brewster court injunction which removed the City's permitting and take authority for vernal pool species and habitat. This required projects with vernal pool impacts to receive take and permit approval directly from the wildlife agencies. The project was then sold to the current owner who redesigned the project and received an approved Biological Opinion from the United States Fish and Wildlife Service (USFWS) in June 2010.

Upon review of the revised project, City staff determined there were significant impacts and required preparation of an EIR and associated technical studies. City staff review of the project was completed in late 2013, however additional delays were experienced related to the Otay Mesa Community Plan update approved in March 2014, and subsequent zoning and land use map inconsistency corrections which were completed in June 2015. The current application was reviewed under the 2014 OMCP and current RM-1-1 and RM-2-5 zoning.

Staff and the applicant considered significantly revising the environmental document as an Addendum to the Otay Mesa Community Plan Final EIR, however, in October 2015, the California State Supreme Court struck down the greenhouse gas (GHG) evaluation metric upon which many jurisdictions relied, including the City of San Diego. The City adopted a Climate Action Plan (CAP) shortly thereafter, and decided to proceed with development of a CAP Checklist to serve as a Significance Determination Threshold for GHG emissions. The applicant chose to proceed with and revise the draft EIR to identify a significant unmitigated impact for GHG. After public review concluded, the City adopted the CAP Checklist in July 2016. The draft EIR was then revised to reflect this update and remove reference to significant GHG impacts.

Additionally, revision to the EIR was required to incorporate a minor project redesign to address the City's revised Storm Water Standards. The Final EIR was then issued in April 2018.

Required Approvals:

Tentative Map – In accordance with San Diego Municipal Code (SDMC) Section <u>125.0410</u>, a Process Four Tentative Map (TM) is required to subdivide the project site into five lots for the construction of 475 residential units and the preservation of two open space lots. Staff recommends approval of the requested TM as all SDMC requirements and Subdivision Map Act requirements have been met. For more information please see the draft TM findings and conditions (Attachment 6).

Planned Development Permit – The 1981 version of the OMCP required the preparation of a precise development plan for each neighborhood prior to the processing of specific development proposals to regulate densities, road alignments, grading, building design and the provision of public facilities. The Santee Investments Otay Mesa Precise Plan (Precise Plan) was approved for the site and surrounding areas by the City Council in November 1993. In accordance with the Precise Plan a Process Four Planned Development Permit (PDP) and the creation of project-specific design guidelines is required for new development. The PDP process is the mechanism by which the development standards outlined in the Precise Plan and the proposed project design guidelines and are implemented.

The Precise Plan designates the majority of the site for Medium Density Residential (30 dwelling units per acre) with the western portion designated for a senior high school. San Ysidro High School was constructed in 2002 and did not utilize the western portion of the project site. Because the exact configuration of the school was not known when the Precise Plan was created, the plan allows any remainder portions of the school area to be utilized for Low-Medium Density Residential (15 dwelling units per acre). The Precise Plan indicates that the planning areas are approximate and subject to refinement, stating that the goal is for constructed residential units to not exceed the OMCP and that if there is a land use conflict, the current OMCP will take precedence. The current OMCP allows 15-29 dwelling units per acre, or 356-687 units allowed on the 23.7 developable onsite acres. Therefore, the 475 units proposed complies with the Precise plan.

The Precise Plan designates three small areas as open space, two in the southwest portion of the site and one in the southeast portion of site, all of which would be maintained as open space within Lots 4 and 5 with project implementation.

The Precise Plan also designates a small triangular portion of the site along the southern property line as Neighborhood Commercial. The 2014 OMCP designates this area for Medium Density Residential development and as stated above, the designations of the OMCP take precedence so commercial development is not required onsite.

The Precise Plan identifies portions of the eastern and western portions of the site as containing sensitive resources in the form of steep hillsides, biology, wetlands and vernal pools. The project complies with the Precise Plan sensitive resource requirements by preserving the areas identified above within the proposed open space Lots 4 and 5, which would be added to the City's MHPA lands. Due to the presence of wetland resources not identified by the Precise Plan and the conservation requirements of the USFWS Biological Opinion, the project would conserve more open space than intended by the Precise Plan.

The project has been designed to improve Caliente Avenue, which provides access to the residential lots, in accordance with the Precise Plan requirements, including street trees, landscaping and bicycle lanes. As required by the Precise Plan, the applicant has provided draft Candlelight Development Guidelines (Attachment 13) to regulate the development of the site. As discussed below, City staff have reviewed the Candlelight Development Guidelines and determined they comply with Precise Plan requirements. Staff recommends approval of the requested PDP as the required findings listed in SDMC Section <u>126.0605</u> can be met, as further described in the draft PDP resolution (Attachment 4).

Candlelight Development Guidelines – As required by the Precise Plan, the applicant has provided draft Candlelight Development Guidelines (Attachment 13) to regulate the construction of this project. These guidelines address the overall external appearance of the development, including building forms, details and proportions. Specific guidance regarding architectural styles, landscaping, pedestrian circulation, safety/security, sustainability and open space is provided in compliance with the Precise Plan, OMCP and Municipal Code. Staff recommends approval of the development guidelines as further discussed in the draft PDP resolution (Attachment 4).

Site Development Permit – A Site Development Permit (SDP) is required due to the presence of ESL in the form of sensitive biological resources (SDMC Section <u>143.0141</u>) and steep hillsides (SDMC Section <u>143.0142</u>, on the project site. For more information please see the draft SDP findings (Attachment 4) and conditions (Attachment 5). Staff recommends approval of the requested SDP as the project preserves approximately 98 percent of the sensitive steep hillsides and mitigates for all ESL impacts onsite through the provision of open space Lots 4 and 5.

Community Plan Analysis:

The proposed project is located within the OMCP, which designates the site for Residential and Open Space uses. The site is located in the Southwest District of the OMCP, which includes opportunities for residential development and sensitive habitat resource preservation. A majority of the site, approximately 42.09 acres, is designated Residential - Medium, with a density range of 15-29 dwelling units per acre. The remainder of the site, approximately 2.1 acres, is designated Open Space.

The project proposes to develop 475 multi-family residential units on 23.74 acres, resulting in a residential density of 20 dwelling units per acre. The proposed project's residential density would be consistent with the Medium Density land use designation of the OMCP. The project proposes to add 17.95 acres of land designated Residential to the City's MHPA lands to be preserved as open space. The addition of 17.95 acres of land containing sensitive biological resources would help implement the OMCP Conservation Element goals to preserve the community's open space network and protect the community's biological resources. The proposed project's uses would help implement the Land Use and Conservation goals of the OMCP.

In addition to the OMCP, precise plans have been adopted throughout the planning area to help implement community plan goals related to residential development, mobility, urban design, and resource protection. The northern portion of the Southwest District is within the Santee Investments Otay Mesa Precise Plan, which also includes the project site. The Precise Plan provides area-specific densities, road-alignments, grading limits, and locations for facilities. The goals and policies of the Precise Plan apply to the project site in conjunction with the goals and policies of the OMCP. The Precise Plan designates most of the site for Medium Density Residential (allowing up to 30 dwelling units per acre) with two relatively small areas on the southwest and one small area on the southeast portion of the site designated as open space. The project proposes to conserve more open space than intended by the Precise Plan due to the presence of vernal pool wetlands and the conservation requirements of the Biological Opinion from the State and Federal wildlife agencies.

The Precise Plan also requires the creation of specific design guidelines for each individual development. As required by the Candlelight Development Guidelines, the project would include a system of interconnected sidewalks that provide pedestrian access to all units as well as scenic overlooks and landscaped areas facing the open space to the east and west, which includes existing Spring Canyon to the west, Dillon Canyon to the east and the onsite open spaces areas. The proposed mobility network would help implement the OMCP mobility goal to create a pedestrian sidewalk network that allows for safe and comfortable walking through the community. The project has been designed to use the open space as a focal point, providing residents with amenities that connect with the natural environment.

The proposed project's design would help implement OMCP Conservation and Recreation Element policies to create a close relationship between the natural environment of Spring Canyon and development, and to locate scenic overlooks adjacent to Spring Canyon. The project would further OMCP policies to support efforts to designate trails and create a comprehensive trails system by providing a public access trail in open space Lot 3 and a trail in Lot 5 that connects to the Spring Canyon trail system. The site contains sensitive biological resources and steep hillsides which would be maintained as open space to help implement the OMCP Urban Design Element goal of an urban form that reflects land and topography as an amenity.

The proposed project furthers implementation of both the General Plan Conservation Element and OMCP Conservation Element's goals by incorporating design features and standards identified in the project Design Guidelines, including cool roof technology, electric vehicle charging infrastructure, and drought-tolerant landscaping with street trees to reduce the urban heat island effect.

Environmental Analysis:

EIR No. 40329 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines, and includes an MMRP to address required mitigation measures. The EIR determined that the project would result in significant but mitigated impacts to Land Use, Biological Resources, Historical Resources (Archeology), Transportation /Circulation and Paleontological Resources and significant unmitigated impacts to Transportation/Circulation. Below is a summary of the environmental analysis, please see <u>EIR No. 40329</u> for more detailed information.

Land Use – EIR No. 40329 identified potentially significant impacts related to conflicts with the MSCP Subarea Plan that could occur with project implementation. These potential conflicts include drainage, grading, invasive plant species, brush management lighting and other activities that could impact sensitive MHPA habitats and species. Therefore, mitigation requiring conformance with the MHPA Land Use Adjacency Guidelines is required.

Biological Resources – The development has been clustered on the flat to gently-inclined central portion of the site, which consists primarily of non-native grasslands and disturbed habitat. Onsite project impacts would occur outside the MHPA and total 26.37 acres consisting of 0.37 acre of wetland/riparian habitats, 0.20 acre of Tier I Maritime succulent scrub upland habitat, 20.7 acres of Tier IIIB non-native grassland upland habitat and 5.1 acres Tier IV disturbed and eucalyptus woodland habitat. Offsite project impacts related to the construction of a public road at the southern property line would total 1.31 acres consisting of 0.01 acre of wetland habitats, 0.50 acre of Tier IIIB non-native grassland upland habitat and 0.80 acre of Tier IV disturbed habitat. There would be no direct impact to the 2.47 acres of existing MHPA onsite or to adjacent MHPA lands.

In accordance with City regulations and as outlined in the MMRP, onsite and offsite project impacts to Tier I and Tier IIIB biological resources outside the MHPA would be mitigated with the preservation of 10.80 acres of suitable habitat inside the MHPA. No mitigation is required for impacts to the Tier IV habitats. Although there are currently no documented active Western Burrowing Owl burrows onsite, evidence of past and potential for future nesting requires mitigation for potential impacts to owl habitat.

As identified in the USFWS Biological Opinion and outlined in the MMRP, onsite and offsite project impacts to wetland/riparian habitats (including jurisdictional wetlands) require the mitigation of 1.32 acres of suitable habitat. This would be accomplished with the restoration of 1.25 acres and enhancement of 0.07-acres of vernal pools and wetland habitats onsite. The project received an approved Biological Opinion from USFWS, which determined that as mitigated, the project would not result in significant impacts to vernal pools and associated species. After the issuance of the Biological Opinion and the release of the draft EIR for public review, the City approved the Vernal Pool Habitat Conservation Plan (HCP) in October 2017. This Plan was a joint-effort with state and federal wildlife agencies which gives the City permitting and take authority for wetland and vernal pool impacts. The project has been conditioned to comply with the mitigation requirements of the Biological Opinion as well as the HCP.

All project-related impacts to biological resources would be mitigated onsite through preservation of 17.95 acres of habitat, identified as open space Lots 4 and 5. These two canyon areas are the most biologically sensitive areas onsite, located on separate lots at the far east and west portions of the site. The lots would be added to the City's MHPA lands through implementation of a Habitat Management Plan which requires the designation of a Habitat Manager and adherence to the MHPA Land Use Adjacency Guidelines, as described in EIR No. 40329.

Historical Resources (Archeology) – An Archeological Survey and Evaluation of Cultural Resources Report was prepared for the project which determined monitoring for historical resources is required during grading activities due to the proximity of known archeological sites and the general sensitivity of the area for archeological resources.

Transportation and Circulation – A Traffic Impact Analysis was prepared for the project, which determined that with the exception of impacts to State Route 905 (SR-905), project transportation impacts would be mitigated through improvements to Caliente Avenue and the construction of a new public street at the southern property line. Mitigation for the cumulatively significant impacts at the intersection of SR-905 westbound ramps and Caliente Avenue intersection and to the SR-905 segment between Caliente Avenue and Britannia Boulevard were considered infeasible because there are no SR-905 improvement projects currently planned by Cal Trans. Therefore, the project would result in significant unmitigated impacts to SR-905 as discussed in EIR No. 40329.

Paleontological Resources – A Paleontological Resources Investigation was prepared for the project, which determined that due to the grading amounts proposed and the high sensitivity of onsite geologic formations for paleontological resources, monitoring is required during grading activities.

Greenhouse Gas and Climate Action Plan Checklist – To ensure compliance with the City's CAP, a CAP Checklist was completed to identify measures to be implemented by the project to reduce GHG emissions. As identified in the Checklist, the project would incorporate the use of cool roof technology, low-flow plumbing fixtures, energy-efficient appliances, and electric vehicle charging infrastructure.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies, the OMCP, General Plan and regulations in the Land Development Code. Staff has provided draft findings (Attachments 4, 6 & 8) to support the proposed development and draft conditions of approval (Attachments 5 & 7). Staff recommends the Planning Commission approve the project as presented and conditioned.

ALTERNATIVES

- CERTIFY Environmental Impact Report No. 40329 and ADOPT the associated Mitigation, Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations and APPROVE Site Development Permit No. 1183455, Planned Development Permit No. 115000, and Tentative Map No. 114999, with modifications.
- DO NOT CERTIFY Environmental Impact Report No. 40329 and DO NOT ADOPT the associated Mitigation, Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations and DENY Site Development Permit No. 1183455, Planned Development Permit No. 115000, and Tentative Map No. 114999, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

FitzGerald

Assistant Deputy Director Development Services Department

Paul Godwin Development Project Manager Development Services Department

Vacchi/PBG

Attachments:

- 1. Aerial Photographs
- 2. Community Plan and Precise Plan Land Use Maps
- 3. Project Location Map
- 4. Draft Permit Resolution
- 5. Draft Permit Conditions
- 6. Draft Map Resolution
- 7. Draft Map Conditions
- 8. Draft Environmental Resolution and Statement of Overriding Considerations
- 9. Project Site Plans and Tentative Map
- 10. Community Planning Group Recommendation
- 11. Ownership Disclosure Statement
- 12. Site Photos
- 13. Draft Candlelight Development Guidelines



Project Site



Aerial Photo 1 Candlelight – Project No. 40329







Aerial Photo 2 Candlelight – Project No. 40329







Otay Mesa Community Plan Land Use Map Candlelight - Project No. 40329



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Santee Investments Precise Plan Designation

<u>Candlelight – Project No. 40329</u>





ATTACHMENT 2





Project Location Map

Candlelight - Project No. 40329



ATTACHMENT 3

ATTACHMENT 4

PLANNING COMMISSION RESOLUTION NO. ______ SITE DEVELOPMENT PERMIT NO. 1183455 PLANNED DEVELOPMENT PERMIT NO. 115000 CANDLELIGHT - PROJECT NO. 40329 [MMRP]

WHEREAS, Candlelight Properties LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide an undeveloped site into three residential and two open space lots for the development of 475 multi-family residential units through the implementation of development guidelines (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 1183455 and Planned Development Permit No. 115000), on portions of an undeveloped 44.19-acre site;

WHEREAS, the project site is located at the terminus of Caliente Avenue, south of Airway Road and San Ysidro High School in the RM-1-1 and RM-2-5 zones, in the Otay Mesa Community Plan area;

WHEREAS, the project site is legally described as Parcel A1: A portion of the west half of the northeast quarter section of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian. Parcel C1: A portion of the southeast quarter of the northeast quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian and C2: The northerly 400 feet of southerly 420 feet of the west half of the northwest quarter of Section 32, Township 18 South, Range 1 West, San Bernardino Meridian. All within the City and County of San Diego;

WHEREAS, on July 26, 2018, the Planning Commission of the City of San Diego considered Site Development Permit No. 1183455 and Planned Development Permit No. 115000, pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings, dated July 26, 2018.

A. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

Findings for all Site Development Permits:

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

The undeveloped 44.19-acre project site would be subdivided into five lots for the development of 475 multi-family units. The site contains Environmentally Sensitive Lands (ESL) including wetland, vernal pool, upland and disturbed habitats. The project would develop 23.74 acres of the site with residential units, 2.50 acres for road construction and would preserve the remaining 17.95 acres as open space to be added to the City's Multiple Habitat Planning Area (MHPA) lands with all project impacts mitigated onsite. Existing MHPA lands are located at the far west and east ends of the site in open space lots 4 and 5 and would not be impacted by project implementation.

The project is located in the Southwest District of the Otay Mesa Community Plan (OMCP) which designates the site for Residential Medium Density development at a rate of 15-29 dwelling units per acre (du/ac). The development of 475 units on 23.74 acres equals 20 du/ac, which meets the OMCP recommended minimum density of 15 du/ac.

The site is further regulated by the Santee Investments Otay Mesa Precise Plan (Precise Plan), which designates the majority of the site for Medium Density Residential (30 dwelling units per acre) with the western portion designated for a senior high school. San Ysidro High School was constructed in 2002 and did not utilize the western portion of the project site. Because the exact configuration of the high school was not known when the Precise Plan was created, the plan allows any remainder portions of the school area to be utilized for Low-Medium Density Residential (15 dwelling units per acre). The Precise Plan indicates that the planning areas are approximate and subject to refinement, stating that the goal is for constructed residential units to not exceed the OMCP and that if there is a land use conflict, the current OMCP will take precedence. The current OMCP allows 15-29 du/ac, or 356-687 units allowed on the 23.7 developable onsite acres. Therefore, the 475 units proposed complies with the Precise plan.

The Precise Plan designates three small areas as open space, two in the southwest portion of the site and one in the southeast portion of site, all of which would be maintained as open space within Lots 4 and 5 with project implementation. The Precise Plan also designates a small triangular portion of the site along the southern property line as Neighborhood Commercial. The 2014 OMCP designates this area for Medium Density Residential development and as stated above, the designations of the OMCP take precedence so commercial development is not required onsite.

The Precise Plan identifies portions of the eastern and western portions of the site as containing sensitive resources in the form of steep hillsides, biology, wetlands and vernal pools. The project complies with the Precise Plan sensitive resource requirements by preserving the areas identified above within the proposed open space Lots 4 and 5, which would be added to the City's MHPA lands. Due to the presence of wetland resources not identified by the Precise Plan and the conservation requirements of the approved United States Fish and Wildlife Service (USFWS) Biological Opinion, the project would conserve more open space than intended by the Precise Plan.

The 17.95 acres to be conserved onsite as open space and added to the MHPA on Lots 4 and 5 contain the most biologically sensitive portions of the site, including wetlands, vernal pools and upland habitat. To ensure the open space lots are properly maintained and protected, the project is conditioned to provide a Habitat Manager funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). All project biological impacts would be mitigated onsite, as described in Environmental Impact Report (EIR) No. 40329 and associated Mitigation, Monitoring and Reporting Program (MMRP) prepared for this project. The project has been designed and conditioned to comply with the MHPA land use adjacency guidelines and incorporates a minimum 50-foot wetland buffer in accordance with the USFWS Biological Opinion.

The project features described above further the OMCP Recreation Element Policy No. 7.2-1 to maintain Spring Canyon in its natural state, the Conservation Element Policy No. 8.1-2 to preserve a network of open and relatively undisturbed canyons and No. 8.1-5 to implement City regulations and Biology Guidelines for preservation, acquisition, restoration, management and monitoring of biological resources.

As required by the Candlelight Development Guidelines, the project would include a system of interconnected sidewalks that provide pedestrian access to all units as well as scenic overlooks and landscaped areas facing the open space to the east and west, which includes existing Spring Canyon to the west, Dillon Canyon to the east and the onsite open spaces areas in Lots 4 and 5. The project has been designed to use the open space as a focal point, providing residents with amenities that connect with the natural environment. These features further the OMCP's Open Space and Parks Policy No. 2.6-2 to create a close relationship between the natural environment of Spring Canyon and development, the Mobility Element goal to create a pedestrian sidewalk network that allows for safe and comfortable walking through the community, Recreation Policy No. 7.2-4 to locate scenic overlooks adjacent to Spring Canyon and the Urban Design Element goal for an urban form that reflects land and topography as an amenity.

The site contains sensitive steep hillsides located on the east and west sides of the site, which would be maintained in their natural condition within proposed open space Lots 4 and 5, in compliance with the General Plan, OMCP and Precise Plan goals to maintain natural steep slopes.

The project is conditioned to extend the existing Caliente Avenue right-of-way south to provide access to the site. Caliente Avenue would be improved as a six-lane major with Class II bike lanes, in compliance with the Precise Plan, OMCP and General Plan Mobility Element Policy No. 3.3-8. The project would also dedicate and construct a public street along the southern property line to provide access to the residential lots and neighboring undeveloped sites to the south. The project would further OMCP Policy 7.2-5 to support efforts to designate trails and create a comprehensive trails system by providing a public access trail in open space Lot 3 and a trail in Lot 5 that connects to the Spring Canyon trail system.

The project furthers implementation of both the General Plan Conservation Element and OMCP Conservation and Sustainability Element's goals by incorporating design features and standards identified in the project Design Guidelines, Climate Action Plan (CAP) Checklist and as required by City and State regulations, including compliance with Title 24 standards. The project would also incorporate drought-tolerant and low-water demand landscaping with street trees to reduce the urban heat island effect. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

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

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

EIR No. 40329 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines. An MMRP would be implemented with this project. Access to the residential lots would be provided from an extension of Caliente Avenue, which is a condition of the project. The site is not located in a designated flood or flood plain area and geologic review of the site has determined it suitable for development. The project is required to construct the public roads necessary to access the site to the appropriate standard. All utility facilities required to serve the subdivision are located adjacent to the project site. Therefore, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

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

The portion of the project site proposed for development is located in the RM-2-5 zone, which allows one unit per 1,250 square feet of lot area or a maximum of 827 units with no minimum unit requirement. The western third of the site which would be preserved as open space Lot No. 4 is located in the RM-1-1 zone, which allows one unit per 3,000 square feet of lot area. As conditioned and with the implementation of the Candlelight Development Guidelines, the project would comply with the density, height, floor area ratio, setbacks, parking, landscape, open space and MHPA adjacency requirements and no deviations are proposed.

Alternative brush management compliance is proposed for the site to limit fire hazards while minimizing impacts to sensitive biological resources and maximizing preserved open space. Final alternative compliance measures will be determined at the building permit phase, subject to Fire Marshal approval. The project has been designed such that the brush management would occur completely outside of the adjacent MHPA areas and open space Lots 4 and 5. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

Supplemental Findings – Environmentally Sensitive Lands

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

The undeveloped 44.19-acre project site would be subdivided into five lots for the development of 475 multi-family units. The site contains ESL including wetland, vernal pool, upland and disturbed habitats. The project would develop 23.74 acres of the site with residential units and 2.50 acres for road construction. The remaining 17.95 acres are canyon areas to the far east and west of the site which contain steep slopes and are the most biologically sensitive areas onsite. This acreage would be preserved as open space in Lots 4 and 5 to be added to the City's MHPA lands with all project impacts mitigated onsite as identified in EIR No. 40329.

The existing topographical slope for the developable lots ranges from 3.5 percent at the southwest to 1.5 percent to the southeast. Grading would be sensitive to the existing topography and not require extensive landform changes. Less than five percent of the site would require grading in excess of 1.5 feet of cut or fill. Onsite grading would be balanced at approximately 57,000 cubic feet of cut and fill. The site contains ESL steep slopes as defined by SDMC Section 113.0103 on the canyon areas located at the far west and east portions of the site. These steep slope areas would be maintained as protected open space in Lots 4 and 5, therefore there would be no impact to ESL steep slopes.

The development has been clustered on the flat to gently-inclined central portion of the site, which consists primarily of non-native grasslands and disturbed habitat, adjacent to existing school and multi-family development to the north. Onsite project impacts would total 26.37 acres consisting of 0.37 acre of wetland/riparian impacts, 0.20 acre of Tier I Maritime succulent scrub upland habitat, 20.7 acres of Tier IIIB non-native grassland upland habitat and 5.1 acres Tier IV disturbed and eucalyptus woodland habitat. Offsite project impacts related to the construction of a public road at the southern property line would total 1.31 acres consisting of 0.01 acre of wetland habitats, 0.50 acre of Tier IIIB non-native grassland upland habitat and 0.80 acre of Tier IV disturbed habitat.

Alternative brush management compliance is proposed for the site to limit fire hazards while minimizing impacts to sensitive biological resources and maximizing preserved open space. The project has been designed such that the brush management would occur completely outside of the adjacent MHPA areas and open space Lots 4 and 5.

The project review required the submission of technical reports prepared by individuals qualified to practice in their respective technical fields. These reports included an Air Quality Assessment, Biological Technical Report, Geotechnical Investigation, Cultural Resources Report, Paleontological Resources Report, Drainage Study, Storm Water Quality Management Plan, Sewer Study, Acoustical Report, Traffic Impact Analysis, Vernal Pool Restoration Plan, Habitat Management Plan, USFWS Biological Opinion, Waste Management Report, Quino Checkerspot Survey, Wet Season Fairy Shrimp Survey and Burrowing Owl Survey. These reports are appendices of EIR No. 40329.

Based on the project's location adjacent to existing multi-family and school development, the conclusions of the technical studies and the overall project design which preserves the most sensitive onsite habitat, the site is physically suitable for the

design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

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

The existing topographical slope for the developable lots ranges from 3.5 percent at the southwest to 1.5 percent to the southeast. Grading would be sensitive to the existing topography and not require extensive landform changes. Less than five percent of the site would require grading in excess of 1.5 feet of cut or fill. Onsite grading would be balanced at approximately 57,000 cubic feet of cut and fill. The site contains ESL steep slopes as defined by SDMC Section 113.0103 on the canyon areas located at the far west and east portions of the site. These steep slope areas would be maintained as protected open space in Lots 4 and 5, therefore there would be no impact to ESL steep slopes.

A Geotechnical Investigation and update dated April 2013, was prepared by Geocon for the project. The site is designated as Geologic Hazard Categories 53 and 27. Category 53 is described as level or sloping terrain, unfavorable geologic structure with low to moderate risk and Category 27 is described as Otay, Sweetwater and others. No active potentially active or inactive faults are known to exist onsite. Potential geologic impacts will be reduced to an acceptable level by design and construction in accordance with prevailing building codes and the recommendations discussed in the Geotechnical Investigation. The project will comply with the recommendations of the investigation and the applicable building and grading regulations to ensure that less than significant geologic impacts will result with project implementation.

All slopes will be stabilized and planted with appropriate vegetation to prevent erosion by wind, rainfall or drainage. The plant species used in erosion control will be selected for their variation of rooting depth to provide additional stability in addition to the engineering practices and standards applied in the creation of artificial slopes. As designed and conditioned, the slopes to be created next to the MHPA will comply with the MHPA Adjacency Guidelines for drainage, toxics, lighting, noise, barriers, invasive species, brush management and grading/land development.

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

Alternative brush management compliance is proposed for the site to limit fire hazards while minimizing impacts to sensitive biological resources and maximizing preserved open space. Final alternative compliance measures will be determined at the building permit phase, subject to Fire Marshal approval. The project has been designed such that the brush management would occur completely outside of the adjacent MHPA areas and open space Lots 4 and 5.

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

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

The project site is located in a developing area and is bordered by existing school and multi-family residential development to the north and developable land designated for a future mixed-use specific plan to the south. To the east and west of the site are canyon areas designated as MHPA lands. The development has been clustered on the flat to gently-inclined central portion of the site, which consists primarily of non-native grasslands and disturbed habitat, adjacent to existing school and multi-family development to the north. The most environmentally sensitive areas of the site which are located to the far east and west ends of the site adjacent to offsite MHPA lands would be preserved as open space and added to the MHPA, as described in EIR No. 40329.

The open space Lots 4 and 5 would be added to the City's MHPA lands through implementation of a Habitat Management Plan which requires the designation of a Habitat Manager and adherence to the MHPA Land Use Adjacency Guidelines to prevent impacts to adjacent environmentally sensitive lands. The project also received an approved Biological Opinion from the United States Fish and Wildlife Service (USFWS), which determined that as mitigated, the project would not result in significant impacts to vernal pools and associated species, onsite or offsite.

The project includes Development Guidelines which prioritize the preservation of ESL and minimization of biological impacts. Alternative brush management compliance is proposed for the site to limit fire hazards while minimizing impacts to sensitive biological resources onsite and offsite while maximizing preserved open space.

The project would include appropriately sized detention and filtration basins/devices as identified in the Storm Water Quality Management Plan (SWQMP) prepared by SB&O, Inc to prevent adverse drainage/runoff impacts to adjacent ESL. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent ESL.

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

As proposed and conditioned, the project would not impact the existing MHPA lands located along the western and eastern edges of the project site and would comply with all MHPA Adjacency Guidelines as discussed in EIR No. 40329 and associated MMRP. The project design clusters the development on the least environmentally sensitive center of the site adjacent to existing school and residential development to the north and future mixed-use development to the south, away from the existing MHPA areas to the east and west. Project implementation would preserve 17.95 acres of open space onsite in Lots 4 and 5, which would also serve as mitigation for the project's biological impacts. These lots would be added to the City's MHPA lands through implementation of a Habitat Management Plan which requires the designation of a Habitat Manager and adherence to the MHPA Land Use Adjacency Guidelines to prevent impacts to adjacent environmentally sensitive lands. Therefore, the project received an approved Biological Opinion from the United States Fish and Wildlife Service (USFWS), which determined that as mitigated, the project would not result in significant impacts to vernal pools and associated species, onsite or offsite.

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

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

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

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

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

B. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

Findings for all Planned Development Permits:

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

The undeveloped 44.19-acre project site would be subdivided into five lots for the development of 475 multi-family units. The site contains Environmentally Sensitive Lands (ESL) including wetland, vernal pool, upland and disturbed habitats. The project would develop 23.74 acres of the site with residential units and 2.50 acres for road construction while preserving the remaining 17.95 acres as open space to be added to the City's MHPA lands with all project impacts mitigated onsite. The project is located in the Southwest District of the OMCP which designates the site for Residential Medium Density development at a rate of 15-29 du/ac. The development of 475 units on 23.74 acres equals 20 du/ac, which meets the OMCP recommended minimum density of 15 du/ac. Please refer to Site Development Permit Finding No. 1 for additional finding information.

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

The project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Please refer to Site Development Permit Finding No. 5 for additional finding information.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The portion of the project site proposed for development is located in the RM-2-5 zone, which allows one unit per 1,250 square feet of lot area or a maximum of 827 units with no minimum unit requirement. The western third of the site which would be preserved as open space Lot No. 4 is located in the RM-1-1 zone, which allows one unit per 3,000 square feet of lot area. As conditioned and with the implementation of the Candlelight Development Guidelines, the project would comply with the density, height, floor area ratio, setbacks, parking, landscape, open space and MHPA adjacency requirements and no deviations are proposed. Please refer to Site Development Permit Finding No. 2 for additional finding information.

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

ATTACHMENT 4

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1183455 and Planned Development Permit No. 115000, are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 1183455 and Planned Development Permit No. 115000, copies of which is attached hereto and made a part hereof.

Paul Godwin Development Project Manager Development Services

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Adopted on: July 26, 2018

IO#: 24002388

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24002388

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1183455 PLANNED DEVELOPMENT PERMIT NO. 115000 CANDLELIGHT - PROJECT NO. 40329 [MMRP] PLANNING COMMISSION

This Site Development Permit No. 1183455 and Planned Development Permit No. 115000 is granted by the Planning Commission of the City of San Diego to Candlelight Properties LLC, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0502 (Site Development Permit) and section 126.0602 (Planned Development Permit). The vacant 44.19-acre site is located at the terminus of Caliente Avenue, south of Airway Road and San Ysidro High School, in the RM-1-1 and RM-2-5 zones, within the Otay Mesa Community Plan area. The project site is legally described as Parcel A1: A portion of the west half of the northeast quarter section of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian. Parcel C1: A portion of the southeast quarter of the northeast quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian and C2: The northerly 400 feet of southerly 420 feet of the west half of the northwest quarter of Section 32, Township 18 South, Range 1 West, San Bernardino Meridian. All within the City and County of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the project site into five lots for the development of 475 multi-family housing units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 26, 2018, on file in the Development Services Department. The project shall include:

- a. The creation of five lots, including three multi-family lots totaling 23.74 acres and two open space lots totaling 17.95 acres, with 2.50 acres of public roads, to allow for the development of up to 475 multi-family dwelling units;
- b. The project may be constructed in phases, with the required sewer infrastructure to be constructed with the first lot developed. The remaining two lots could then be developed independently after sewer infrastructure construction.
- c. Approval of the Candlelight Development Guidelines to regulate the design of the future development and ensure compliance with the development regulations and the Santee

Investments Otay Mesa Precise Plan. All future development shall comply with the approved Development Guidelines;

- d. Trail and trail access improvements to include fencing, surfacing and kiosk improvements:
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking; and
- g. 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 August 9, 2021.

2. 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.

3. 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.

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

5. 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.).

6. 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.

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

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in

defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

13. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 40329, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 40329 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 (MPHA Land Use Adjacency), Biological Resources, Historical Resources (Archeology), Transportation and Circulation, and Paleontological Resources.

CLIMATE ACTION PLAN REQUIREMENTS:

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

AFFORDABLE HOUSING REQUIREMENTS:

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

AIRPORT REQUIREMENTS:

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

Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520

ENGINEERING REQUIREMENTS:

18. The Permit shall comply with all conditions of the Tentative Map No. 114999.

LANDSCAPE REQUIREMENTS:

19. 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, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

20. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permitee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

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

23. The Brush Management Program shall be based on a standard Zone One of 35 feet in width with Zone Two of 65 feet in width, extending out from the structures towards the native/naturalized vegetation consistent with the Brush Management Regulations of the Land Development Code section 142.0412. Final configuration of Brush Management Zones shall be established in conjunction with final layout of residential structures, exercising zone reduction provisions set forth under 142.0412(f). Where composite brush management zone(s) are less than standard minimums, alternative compliance measures shall be implemented per 142.0412(i) through (j) to include upgraded openings with Dual-Glazed, Dual-Tempered Panes along brush side of structures plus a 10-foot perpendicular return along adjacent wall faces.

24. 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.'

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

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

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

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

MULTIPLE SPECIES CONSERVATION PROGRAM:

29. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area [MHPA] to the City's Multiple Species Conservation Program [MSCP] preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Wildlife [CDFW], as shown on Exhibit "A."

30. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City. Prior to issuance of any construction permit for grading, documentation demonstrating the remainder MHPA would be adequately managed and monitored in a manner consistent with the City's MSCP Preserve Management Framework shall be submitted and approved by the Development Services Department and Planning Department/MSCP Section. Documentation shall consist of either a Habitat Management Plan (HMP) or Covenant of Easement Grantor's Duties specific language and either document would identify the responsible entity, Habitat Manager, and funding source for long term-maintenance and management.

31. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other storm Water control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens.

32. For all property approved for conveyance in fee title to the City for MHPA purposes: prior to issuance of any building permits, the Owner/Permittee shall schedule an inspection with the Park and Recreation Department Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City's acceptance.

33. Compliance with the Vernal Pool Habitat Conservation Plan (VPHCP) is required for impacts to and the protection of onsite and adjacent vernal pool habitats, in perpetuity.

PLANNING/DESIGN REQUIREMENTS:

34. 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.

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

36. 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.

37. Future development of the site shall comply with the approved Candlelight Development Guidelines.

38. Prior to issuance of building permits for the residential units, Owner/Permittee shall demonstrate that noise levels for any required, useable, exterior open space located on the ground level grassy/landscaped space between the buildings is controlled to less than 65 dBA CNEL. If necessary to control noise to less than 65 dBA CNEL, a noise control fence along the outer edge of the area facing the roadway shall be installed. The noise control fence would need to be a minimum of six feet above the level of the outdoor use area adjacent the fence. The fence would need returns along the north and south end or walkways entering from the street 10-feet in length.

39. If the ground level grassy/landscaped areas described in Condition 38 do not require noise control fencing but there are ground-level decks adjacent to the buildings facing the roadways, these ground-level decks shall require foot high noise control barriers around the deck space to control roadway noise impacts to less than 65 dBA CNEL.

40. Prior to issuance of building permits for the residential units, Owner/Permittee shall demonstrate that noise levels for any second-floor decks included as required, useable, exterior open space does not exceed 65 dBA CNEL.

PARK AND RECREATION REQUIREMENTS:

41. Prior to issuance of any certificate of occupancy, the Owner/Permittee shall construct all trail and trail access improvements on Lots 3 and 5. Improvements shall include those indicated on the

plans and in the Development Guidelines including, but not limited to, access path surfacing; bollards; step-over rails; trailhead improvements (kiosk); and fencing (including chain link and peeler log/split rail). The trail improvements are contingent upon approval by the U.S. Fish and Wildlife Service, to be confirmed by the City Park and Recreation Department. The improvements shall be approved by the Park and Recreation Department Open Space Division Deputy Director, or his/her representative, prior to issuance of a certificate of occupancy.

GEOLOGY:

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

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

TRANSPORTATION REQUIREMENTS:

44. Prior to the issuance of the first construction permit, the owner/permittee shall dedicate and shall assure by permit and bond the construction of Caliente Avenue along the project frontage as a five-lane major (three lanes northbound) with 97 feet of pavement curb to curb with a six-foot raised median in 141-foot right-of-way including 22-foot parkways with noncontiguous six-foot sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

45. Prior to the issuance of the first construction permit, the owner/permittee shall dedicate and shall assure by permit and bond the partial construction of Public Street "A" east of Caliente Avenue along the project frontage as a two-lane collector with a TWLTL with 37 feet of pavement curb to curb (with a seven-foot parking, five-foot bikeway, two 10-foot travel lanes and a five-foot bikeway) in a 49-foot right-of-way including (on the north side only) a noncontiguous five-foot sidewalk in a 12- foot U-3 parkway, curb and gutter; (south side will be an asphalt berm), satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

46. Prior to the issuance of the first construction permit, the owner/permittee shall dedicate and shall assure by permit and bond the partial construction of Public Street "A" west of Caliente Avenue along the project frontage as a two-lane collector with 28 feet of pavement curb to curb (with a seven-foot parking, one 11-foot travel lane and one 10-foot travel lane) in 40-foot right-of-way including (on the north side only) a noncontiguous five-foot sidewalk in a 12-foot U-3 parkway, curb and gutter; (south side will be an asphalt berm), satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

47. Prior to the issuance of the first construction permit, the owner/permittee shall acquire and dedicate and assure by permit and bond the construction of two 50-foot curb radius cul-de-sacs at each end of Public Street "A" within 62-foot radius right-of-way, with (north side only) noncontiguous five-foot sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

48. Prior to the issuance of the first construction permit, the owner/permittee shall assure by permit and bond the construction of a traffic signal at the intersection of Airway Road and Caliente Avenue, satisfactory to the City Engineer. The traffic signal shall be installed and accepted by the City Engineer prior to the issuance of any occupancy permit.

49. The owner/permittee shall assure by permit and bond the construction of a traffic signal at the intersection of Caliente Avenue and Public Street "A", satisfactory to the City Engineer. The signal shall be installed when warranted and may be assured though a Deferred Improvement Agreement, satisfactory to the City Engineer.

50. The project shall relinquish all access rights onto Caliente Avenue, satisfactory to the City Engineer.

51. All drive aisles and parking spaces must meet Land Development Code requirements at the time of building permit approval, satisfactory to the City Engineer.

52. For Lot 1, a minimum of 480 off-street automobile parking (including 10 accessible), 22 motorcycle, 103 bicycle parking and two loading spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

53. For Lot 2, a minimum of 340 off-street automobile parking (including 7 accessible), 13 motorcycle, 75 bicycle parking and two loading spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

54. For Lot 3, a minimum of 351 off-street automobile parking (including 7 accessible), 13 motorcycle, 78 bicycle parking and two loading spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

55. Prior to the issuance of the first grading permit, the owner/permittee shall record a 30-foot Irrevocable Offer to Dedicate (IOD) for a future extension of Public Street "A" within the project site as shown on Exhibit "A", to the satisfaction of the City Engineer.
PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

56. All on-site water and sewer mains will be "private".

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

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

59. The required project sewer infrastructure shall be constructed during the initial project phase.

60. Prior to issuance of any engineering permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreements (EMRAs) for proposed improvements of any kind, including utilities, landscaping, enriched paving, and electrical conduits to be installed within the public- right-of-way or public easement. An EMRA will be required for connecting a private lateral or service to the public sewer main. This includes dual 6" gravity/forcemains in Lot 3 connecting to Street "A", 12" gravity main crossing Caliente Avenue and proposed 12" private gravity main in Street "A".

61. The Owner/Permittee shall design and install all necessary irrigation appurtenances to utilize recycled water. If recycled water is unavailable, then the irrigation system shall initially be supplied from the potable water system until recycled water is available. The system shall be designed to allow the conversion from potable to recycled water service and avoid any cross connections between the two systems. This will necessitate a separate irrigation service.

62. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main then the Owner/Permittee shall install a redundant water system, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

63. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

64. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPD's are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

65. Prior to approval of public improvement plans, the Owner/Permittee is required to provide an accepted water study for all proposed public water facilities (and proposed private water facilities serving more than one lot), in accordance with the current edition of the City of San Diego Water Facility Design Guideline.

66. Prior to approval of public improvement plans, the Owner/Permittee will be required to provide an accepted amended sewer study, satisfactory to the Director of Public Utilities and in accordance with the City of San Diego's current Sewer Design Guide, to show that the existing public sewer facilities will have adequate capacity and cleansing velocities necessary to serve this development and the drainage basin in which it lies.

67. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond the design and construction of all public water and sewer facilities as required in the accepted water and sewer study for this project, necessary to serve this development in a manner satisfactory to the Director of Public Utilities and the City Engineer. Public water and sewer facilities and associated easements, as shown on the approved Exhibit "A", shall be modified at final engineering to comply with standards.

68. Prior to the issuance of any certificates of occupancy, public water and sewer facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

69. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of two 16-inch parallel water main extensions within the Caliente Avenue right-of-way from the existing facilities to the southern project boundary, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

70. The proposed development is currently subject to the following sewer reimbursement fee: The Otay Mesa Sewer Surcharge fee of \$1821.75 per living unit plus 6 percent simple interest from March 12, 2008 (21351-D-O).

71. The proposed development is currently subject to the following water reimbursement fee: The South San Diego/Otay Mesa Water Reimbursement fee of \$1,066.00 per EDU for Zone 680 plus 6.0 percent interest from December 5, 2000 (30867-D-B).

72. In lieu of designing and constructing either alone or in conjunction with other developers similarly conditioned to construct the next pending phase of the Otay Mesa Trunk Sewer (OMTS), the Owner/Permittee will be required to design and construct segment(s) of the OMTS just to the south of existing Manhole No. 27 (from existing Manhole No. 27 to Manhole No. 5). The existing 10-inch pipe should be replaced by a 24-inch pipe based upon City's hydraulic modeling run in a manner satisfactory to the Public Utilities Director and the City Engineer.

73. If the first two segments upstream of the Manhole No. 27 are not installed by the Southview and Southwind projects prior to Certificate of Occupancy, in lieu of installing the segments, the Owner/Permittee will be required to install two segments of the OMTS just to the south of existing Manhole No. 200 (from existing Manhole No. 200 to Manhole No. 27). The existing 10" pipes should

be replaced by a 24-inch pipe based upon City's hydraulic modeling run in a manner satisfactory to the Public Utilities Director and the City Engineer.

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

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on July 26, 2018, and [Approved Resolution Number].

ATTACHMENT 5

Permit Type/PTS Approval No.: SDP No. 1183455 PDP No. 115000 Date of Approval: July 26, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Paul Godwin Development Project Manager

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

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

Candlelight Properties LLC Owner/Permittee

By _____

NAME TITLE

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

PLANNING COMMISSION RESOLUTION NUMBER R-_____ TENTATIVE MAP NO. 114999 CANDLELIGHT - PROJECT NO. 40329 [MMRP]

WHEREAS, CANDLELIGHT PROPERTIES LLC, Subdivider, and Schwerin & Associates, Engineer, submitted an application to the City of San Diego for Tentative Map No. 11499 for the development of a 475-unit, multi-family residential project with three residential lots and two open space lots, on an undeveloped 44.19-acre site is located at the terminus of Caliente Avenue, south of Airway Road and San Ysidro High School, in the RM-1-1 and RM-2-5 zones, in the Otay Mesa Community Plan area. The property is legally described as Parcel A1: A portion of the west half of the northeast quarter section of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian. Parcel C1: A portion of the southeast quarter of the northeast quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian and C2: The northerly 400 feet of southerly 420 feet of the west half of the northwest quarter of Section 32, Township 18 South, Range 1 West, San Bernardino Meridian. All within the City and County of San Diego; and

WHEREAS, the Map proposes the Subdivision of a 44.19-acre site into five (5) lots for a residential condominium development (three residential and two open space lots); and

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

WHEREAS, on July 26, 2018, the Planning Commission of the City of San Diego considered Tentative Map No. 114999, and pursuant to San Diego Municipal Code section 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission] having fully considered the matter and being fully

advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the

following findings with respect to Tentative Map No. 114999:

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

The undeveloped 44.19-acre project site would be subdivided into five lots for the development of 475 multi-family units. The site contains Environmentally Sensitive Lands (ESL) including wetland, vernal pool, upland and disturbed habitats. The project would develop 23.74 acres of the site with residential units, 2.50 acres for road construction and would preserve the remaining 17.95 acres as open space to be added to the City's Multiple Habitat Planning Area (MHPA) lands with all project impacts mitigated onsite. Existing MHPA lands are located at the far west and east ends of the site in open space lots 4 and 5 and would not be impacted by project implementation. The project is located in the Southwest District of the Otay Mesa Community Plan (OMCP) which designates the site for Residential Medium Density development at a rate of 15-29 dwelling units per acre (du/ac). The development of 475 units on 23.74 acres equals 20 du/ac, which meets the OMCP recommended minimum density of 15 du/ac.

The site is further regulated by the Santee Investments Otay Mesa Precise Plan (Precise Plan), which designates the majority of the site for Medium Density Residential (30 dwelling units per acre) with the western portion designated for a senior high school. San Ysidro High School was constructed in 2002 and did not utilize the western portion of the project site. Because the exact configuration of the high school was not known when the Precise Plan was created, the plan allows any remainder portions of the school area to be utilized for Low-Medium Density Residential (15 dwelling units per acre). The Precise Plan indicates that the planning areas are approximate and subject to refinement, stating that the goal is for constructed residential units to not exceed the OMCP and that if there is a land use conflict, the current OMCP will take precedence. The current OMCP allows 15-29 du/ac, or 356-687 units allowed on the 23.7 developable onsite acres. Therefore, the 475 units proposed complies with the Precise plan.

The Precise Plan designates three small areas as open space, two in the southwest portion of the site and one in the southeast portion of site, all of which would be maintained as open space within Lots 4 and 5 with project implementation. The Precise Plan also designates a small triangular portion of the site along the southern property line as Neighborhood Commercial. The 2014 OMCP designates this area for Medium Density Residential development and as stated above, the designations of the OMCP take precedence so commercial development is not required onsite.

The Precise Plan identifies portions of the eastern and western portions of the site as containing sensitive resources in the form of steep hillsides, biology, wetlands and vernal pools.

The project complies with the Precise Plan sensitive resource requirements by preserving the areas identified above within the proposed open space Lots 4 and 5, which would be added to the City's MHPA lands. Due to the presence of wetland resources not identified by the Precise Plan and the conservation requirements of the approved United States Fish and Wildlife Service (USFWS) Biological Opinion, the project would conserve more open space than intended by the Precise Plan

The 17.95 acres to be conserved onsite as open space and added to the MHPA on Lots 4 and 5 contain the most biologically sensitive portions of the site, including wetlands, vernal pools and upland habitat. To ensure the open space lots are properly maintained and protected, the project is conditioned to provide a Habitat Manager funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). All project biological impacts would be mitigated onsite, as described in Environmental Impact Report (EIR) No. 40329 and associated Mitigation, Monitoring and Reporting Program (MMRP) prepared for this project. The project has been designed and conditioned to comply with the MHPA land use adjacency guidelines and incorporates a minimum 50-foot wetland buffer in accordance with the USFWS Biological Opinion. The project features described above further the OMCP Recreation Element Policy No. 7.2-1 to maintain Spring Canyon in its natural state, the Conservation Element Policy No. 8.1-2 to preserve a network of open and relatively undisturbed canyons and No. 8.1-5 to implement City regulations and Biology Guidelines for preservation, acquisition, restoration, management and monitoring of biological resources.

As required by the Candlelight Development Guidelines, the project would include a system of interconnected sidewalks that provide pedestrian access to all units as well as scenic overlooks and landscaped areas facing the open space to the east and west, which includes existing Spring Canyon to the west, Dillon Canyon to the east and the onsite open spaces areas in Lots 4 and 5. The project has been designed to use the open space as a focal point, providing residents with amenities that connect with the natural environment. These features further the OMCP's Open Space and Parks Policy No. 2.6-2 to create a close relationship between the natural environment of Spring Canyon and development, the Mobility Element goal to create a pedestrian sidewalk network that allows for safe and comfortable walking through the community, Recreation Policy No. 7.2-4 to locate scenic overlooks adjacent to Spring Canyon and the Urban Design Element goal for an urban form that reflects land and topography as an amenity. The site contains sensitive steep hillsides located on the east and west sides of the site, which would be maintained in their natural condition within proposed open space Lots 4 and 5, in compliance with the General Plan, OMCP and Precise Plan goals to maintain natural steep slopes.

The subdivision is conditioned to extend the existing Caliente Avenue right-of-way south to provide access to the site. Caliente Avenue would be improved as a six-lane major with Class II bike lanes, in compliance with the Precise Plan, OMCP and General Plan Mobility Element Policy No. 3.3-8. The subdivision would also dedicate and construct a public street along the southern property line to provide access to the residential lots and neighboring undeveloped sites to the south. Therefore, the proposed subdivision will not adversely affect the applicable land use plan.

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

The portion of the project site proposed for development is located in the RM-2-5 zone, which allows one unit per 1,250 square feet of lot area or a maximum of 827 units with no minimum unit requirement. The western third of the site which would be preserved as open space Lot No. 4 is located in the RM-1-1 zone, which allows one unit per 3,000 square feet of lot area. As conditioned and with the implementation of the Candlelight Development Guidelines, the project would comply with the density, height, floor area ratio, setbacks, parking, landscape, open space and MHPA adjacency requirements and no deviations are proposed.

Alternative brush management compliance is proposed for the site to limit fire hazards while minimizing impacts to sensitive biological resources and maximizing preserved open space. Final alternative compliance measures will be determined at the building permit phase, subject to Fire Marshal approval. The project has been designed such that the brush management would occur completely outside of the adjacent MHPA areas and open space Lots 4 and 5. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

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

The undeveloped 44.19-acre project site would be subdivided into five lots for the development of 475 multi-family units. The site contains ESL including wetland, vernal pool, upland and disturbed habitats. The project would develop the least sensitive 23.74 acres of the site with residential units and 2.50 acres for road construction, preserving the most sensitive 17.95 acres as open space to be added to the City's MHPA lands.

The site is located in a developing area and is accessed from the developed Caliente Avenue right-ofway and is adjacent to all necessary utilities. The project would be required to extend Caliente Avenue through the project site and would construct an east-west street at the southern boundary to access the individual residential lots.

Surrounding development includes San Ysidro High School to the northeast and the underconstruction 277-unit Vista Del Sur multi-family residential development approved by City Council in January 2017, to the northwest. To the south of the site is an undeveloped area designated by the OMCP for the future <u>Southwest Village Specific Plan</u>, This 472-acre area is designated for mixed-use development however an application for the required Specific Plan has not yet been submitted. Directly south of the project in the future Southwest Village Specific Plan area is the Southwind project, which proposes up to 100 multi-family units but is still in the discretionary review process.

The existing topographical slope for the developable lots ranges from 3.5 percent at the southwest to 1.5 percent to the southeast. Grading would be sensitive to the existing topography and not require extensive landform changes. Less than five percent of the site would require grading in excess of 1.5 feet of cut or fill. Onsite grading would be balanced at approximately 57,000 cubic feet of cut and fill. The site contains ESL steep slopes as defined by SDMC Section 113.0103 on the canyon areas located at the far west and east portions of the site. These steep slope areas would be maintained as protected open space in Lots 4 and 5, therefore there would be no impact to ESL steep slopes. 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.

The undeveloped 44.19-acre project site would be subdivided into five lots for the development of 475 multi-family units. The site contains ESL including wetland, vernal pool, upland and disturbed habitats. The project would develop the least sensitive 23.74 acres of the site with residential units and 2.50 acres for road construction, preserving the most sensitive 17.95 acres as open space to be added to the City's MHPA lands.

The development has been clustered on the flat to gently-inclined central portion of the site, which consists primarily of non-native grasslands and disturbed habitat, adjacent to existing school and multi-family development to the north. Onsite project impacts would total 26.37 acres consisting of 0.37 acre of wetland/riparian impacts, 0.20 acre of Tier I Maritime succulent scrub upland habitat, 20.7 acres of Tier IIIB non-native grassland upland habitat and 5.1 acres Tier IV disturbed and eucalyptus woodland habitat. Offsite project impacts related to the construction of a public road at the southern property line would total 1.31 acres consisting of 0.01 acre of wetland habitats, 0.50 acre of Tier IIIB non-native grassland upland habitat and 0.80 acre of Tier IV disturbed habitat.

All project-related impacts to biological resources would be mitigated onsite through preservation of 17.95 acres of habitat, identified as open space Lots 4 and 5. These two canyon areas are the most biologically sensitive areas onsite, located on separate lots at the far east and west portions of the site. The lots would be added to the City's MHPA lands through implementation of a Habitat Management Plan which requires the designation of a Habitat Manager and adherence to the MHPA Land Use Adjacency Guidelines, as described in EIR No. 40329 and associated MMRP. The project also received an approved Biological Opinion from the USFWS, which determined that as mitigated, the project would not result in significant impacts to vernal pools and associated species.

Alternative brush management compliance is proposed for the site to limit fire hazards while minimizing impacts to sensitive biological resources and maximizing preserved open space. Final alternative compliance measures will be determined at the building permit phase, subject to Fire Marshal approval. The project has been designed such that the brush management would occur completely outside of the adjacent MHPA areas and open space Lots 4 and 5. Therefore, the design of the subdivision or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

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

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

EIR No. 40329 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines and an MMRP would be implemented with this project. Access to the residential lots would be provided from an extension of Caliente Avenue, which is a condition of the project. All utility facilities required to serve the subdivision are located adjacent to the project site. Therefore, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

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

The project has been conditioned to extend and improve the Caliente Avenue right-of-way which currently terminates at the northern property line as a six-lane major road and to construct a public road along the southern property line boundary to provide access to the residential lots. Both the Caliente Avenue extension and the public road along the southern property line would provide access to future developments located south of the project site in the Southwest Village Specific Plan area. Access to the individual residential structures would be provided via a private street system. There are no other existing access easements associated with the project site. Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The subdivision of the undeveloped 44.19-acre parcel into five lots for the development of 475 multi-family residential units will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. Design guidelines have been adopted for the future construction of multi-family units; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The undeveloped 44.19-acre project site would be subdivided into five lots for the development of 475 multi-family residential units. The project design clusters the development in the central site, immediately south of existing multi-family development and San Ysidro High School, minimizing impacts to onsite sensitive environmental resources.

The development has been clustered on the flat to gently-inclined central portion of the site, which consists primarily of non-native grasslands and disturbed habitat. Onsite project impacts would total 26.37 acres consisting of 0.37 acre of wetland/riparian impacts, 0.20 acre of Tier I Maritime succulent scrub upland habitat, 20.7 acres of Tier IIIB non-native grassland upland habitat and 5.1 acres Tier IV disturbed and eucalyptus woodland habitat. Offsite project impacts related to the construction of a public road at the southern property line would total 1.31 acres consisting of 0.01 acre of wetland habitats, 0.50 acre of Tier IIIB non-native grassland upland habitat and 0.80 acre of Tier IV disturbed habitat.

All project-related impacts to biological resources would be mitigated onsite through preservation of 17.95 acres of habitat, identified as open space Lots 4 and 5. These two canyon areas are the most biologically sensitive areas onsite, located on separate lots at the far east and west portions of the site. The lots would be added to the City's MHPA lands through implementation of a Habitat Management Plan which requires the designation of a Habitat Manager and adherence to the MHPA Land Use Adjacency Guidelines, as described in EIR No. 40329 and associated MMRP. The project also received an approved Biological Opinion from the USFWS, which determined that as mitigated, the project would not result in significant impacts to vernal pools and associated species.

The effect of the proposed subdivision on the housing needs of the region will be to provide 475 new market-rate, multi-family residential units, and meeting these housing needs are balanced against the needs for public services and the available fiscal and environmental resources. The applicant will satisfy the SDMC Inclusionary Housing regulations via payment of the inclusionary affordable housing fee pursuant to the Inclusionary Housing regulations. Development Impact fees related to public improvements will be paid at the ministerial permit phase.

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

incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning

Commission, Tentative Map No. 114999 is hereby granted to Candlelight Properties LLC, subject to

the attached conditions which are made a part of this resolution by this reference.

By

Paul Godwin Development Project Manager Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24002388

ATTACHMENT 7

PLANNING COMMISSION CONDITIONS FOR TENTATIVE MAP NO. 114999 CANDLELIGHT – PROJECT NO. 40329 [MMRP]

ADOPTED BY RESOLUTION NO. R-_____ ON JULY 26, 2018

GENERAL

- 1. This Tentative Map will expire August 9, 2021.
- 2. Compliance with all 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 Tentative Map shall conform to the provisions of Site Development Permit No. 1183455 and Planned Development Permit No. 115000.
- 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.

<u>AIRPORT</u>

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. The Subdivider shall obtain letters of permission for any offsite work.
- 8. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for private storm drain, landscape and irrigation located within the City's right-of-way.

- 9. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
- 10. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
- 11. The Subdivider shall grant to the City of San Diego a flood water storage easement over the proposed detention basin(s). The Subdivider shall construct drainage detention basins, the design, location, and size of which are subject to approval by the City Engineer. The Subdivider shall provide for the maintenance of the drainage detention facilities within a flood storage easement, satisfactory to the City Engineer.
- 12. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
- Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
- 14. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Technical Report.
- 15. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual and Council Policy 200-18 approved by City Council satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
- 16. The drainage system for this project is subject to approval by the City Engineer. The storm drain pipe that discharges the westerly detention shall be private.
- 17. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 18. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
- 19. 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.

- 20. 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.
- 21. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 22. 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.
- 23. 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 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

- 24. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
- 25. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
- 26. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map

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

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

- 27. All on-site water and sewer mains will be "private".
- 28. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
- 29. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
- 30. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main then the Subdivider shall install a redundant water system, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
- 31. Prior to recording the Final Map, the Subdivider shall provide CC&Rs for the operation and maintenance of all private water and sewer facilities, in a manner satisfactory to the Public Utilities Director and the City Engineer.
- 32. Prior to the issuance of any certificates of occupancy, public water and sewer facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
- 33. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of two16-inch parallel water main extensions within the Caliente Avenue right-of-way from the existing facilities to the southern project boundary in a manner satisfactory to the Director of Public Utilities and the City Engineer.
- 34. The proposed development is currently subject to the following sewer reimbursement fee: The Otay Mesa Sewer Surcharge fee of \$1821.75 per living unit plus 6% simple interest from 3 12 08 (21351-D-O).
- 35. The proposed development is currently subject to the following water reimbursement fee: The South San Diego/Otay Mesa Water Reimbursement fee of \$1,066.00 per EDU for Zone 680 plus 6.0% interest from December 5, 2000 (30867-D-B).
- 36. In lieu of designing and constructing either alone or in conjunction with other developers similarly conditioned to construct the next pending phase of the Otay Mesa Trunk Sewer (OMTS). The Subdivider will be required to design and construct segment(s) of the OMTS just to the south of existing Manhole No. 27 (from existing Manhole No. 27 to Manhole No.

5). The existing 10" pipe should be replaced by a 24" pipe based upon City's hydraulic modeling run in a manner satisfactory to the Public Utilities Director and the City Engineer.

- 37. If the first two segments upstream of the Manhole No. 27 are not installed by the Southview and Southwind projects, in lieu of installing the segments, the Subdivider will be required to install two segments of the OMTS just to the south of existing Manhole No. 200 (from existing Manhole No. 200 to Manhole No. 27). The existing 10" pipes should be replaced by a 24" pipe based upon City's hydraulic modeling run in a manner satisfactory to the Public Utilities Director and the City Engineer.
- 38. No tree or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facility.

<u>GEOLOGY</u>

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

PLANNING

40. Prior to the recordation of the Final Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A", in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

PARKS AND RECREATION

41. Prior to the recordation of the Final Map, the Subdivider shall execute and record a six-foot wide Public Access Easement to provide trail access through Lot 3 to the existing trailhead in Lot 5, as shown on Exhibit "A".

LANDSCAPE/BRUSH MANAGEMENT

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

MULTIPLE SPECIES CONSERVATION PROGRAM

43. Prior to the recordation of the Final Map, the Subdivider shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Subdivider shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreement and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City and USFWS and CDFG. The Subdivider shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

44. Prior to the recordation of the Final Map, the Subdivider shall schedule an inspection with the Park & Recreation Department, Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City acceptance.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this]Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24002388

PLANNING COMMISSION RESOLUTION NUMBER R-ENVIRONMENTAL IMPACT REPORT NO. 40329 CANDLELIGHT – PROJECT NO. 40329 {MMRP}

WHEREAS, on March 21, 2012, Candlelight Properties LLC, submitted an application to Development Services Department for a Tentative Map (TM), Planned Development Permit (PDP), and Site Development Permit (SDP) for the Candlelight Project; and

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

WHEREAS, the issue was heard by the Planning Commission on July 26, 2018; and

WHEREAS, the Planning Commission considered the issues discussed in Environmental Impact Report No. 40329/SCH No. 2013101036 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission 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 Planning Commission 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 Planning Commission hereby adopts the Findings made with respect to the Project and adopts the Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Planning Commission 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 DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101.

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

APPROVED: DEVELOPMENT PROJECT MANAGER

By:

Paul Godwin, DEVELOPMENT PROJECT MANAGER

ATTACHMENTS: Exhibit A - Draft Findings and Statement of Overriding Considerations Exhibit B - Mitigation Monitoring and Reporting Program

ATTACHMENT 8

EXHIBIT A

DRAFT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE CANDLELIGHT PROJECT

Project No. 40329 SCH No. 2013101036 July 2018

SECTION 1: THE PROJECT

I. **PROJECT DESCRIPTION**

The Candlelight Project (project) is the construction of a maximum of 475 multi-family residential units, dedicated open space and public roads on 44.19 acres of land, including 23.74 acres proposed for residential use (i.e., Lots 1 through 3), 17.95 acres proposed as natural open space/preserves (i.e., Lots 4 and 5), and 2.50 acres devoted to public roads. The project site is located on Assessor Parcel Numbers 645-060-3200, 645-060-3500, and 645-080-0800. The project is located within the Otay Mesa Community Planning (OMCP) area of the City of San Diego (City), approximately 18 miles southeast of downtown, 2 miles east of Interstate 805 (i 805), and 1.2 miles north of the U.S.-Mexico International Border.

The project would consist of a maximum of 475 multi-family residences and three community recreation areas on three lots, resulting in a density range of 15-29 dwelling units per acre (du/ac) with a maximum of 475 dwelling units (dus). The project would be built in two to three phases. Lot 1 would be developed in the initial phase (Phase 1) in order to complete the needed sewer infrastructure for Lots 2 and 3. Lots 2 and 3 can be built independently at any time after the completion of the sewer infrastructure in Lot 1.

The project proposes the extension of Caliente Avenue to the southern border of the property and the construction of Public Street "A", an east-west road at the southern edge of the property. Additionally, a 30-foot Irrevocable Offer to Dedicate (IOD) has been granted to the City westerly of the western cul-de-sac. This IOD would be used if it is determined that Public Street "A" would be extended at a later date. In addition, an eastern cul-de-sac of Public Street "A" would be off-site. Public Street "A" is proposed to be completed by others when development occurs to the south. The full width of the roadway cannot be constructed at this time due to the need for additional right-of-way.

The discretionary approvals required from the City to implement the project include a Tentative Map (TM), a Planned Development Permit (PDP), and a Site Development Permit (SDP) for impacts to Environmentally Sensitive Lands (ESL), all of which would be subject to review and approval by the City's Planning Commission.

Various state and federal permits would also be required and include: a Streambed Alteration Agreement under the California Department of Fish and Wildlife (CDFW) Section 1600; a Section 404 Permit from the Army Corps of Engineers (Corps) for impacts to "Waters of the U.S."; and a California Regional Water Quality Control Board Section 401 certification.

II. PROJECT OBJECTIVES

The objectives of the project are described below:

- Establish a comprehensive development plan for the site which provides an appropriate balance of residential, recreational, and open space land uses.
- Provide a compact neighborhood and appropriate mix of architectural styles and product types.
- Establish a project-wide circulation system that connects to the public streets and roads identified in the adopted OMCP.
- Provide an easement, access path, trail and trailhead kiosk to connect to the community trail network as identified in the OMCP.
- Protect portions of the site that are included in the Multi-Habitat Planning Areas (MHPA) of the City's Multiple Species Conservation Plan (MSCP), and those areas of the proposed open space/preserve that will be added to the MHPA.
- Implement project related public improvements and infrastructure consistent with the adopted OMCP.
- Provide key components of the transportation infrastructure to allow access to and development of the properties south of the site.
- Implement the minimum density range as specified in the OMCP to contribute to the production of an adequate housing supply in the southern geographic area of the City.

SECTION 2: ENVIRONMENTAL REVIEW PROCESS

The Lead Agency approving the project and conducting environmental review under the California Environmental Quality Act (CEQA; California Public Resources Code §§21000, et seq.), and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, §§15000 et seq. (CEQA Guidelines), hereinafter collectively, (CEQA) shall be the City. The City as Lead Agency shall be primarily responsible for carrying out the project. In compliance with §15082 of the CEQA Guidelines, the City published a Notice of Preparation (NOP) on October 10, 2013, which began a 30-day period for comments on the appropriate scope of the project EIR. The City received comment letters from the California Department of Fish and Wildlife, California Department of Transportation, Native American Heritage Commission, San Diego Archaeological Society, and Viejas Tribal Government. A copy of the NOP and Initial Study, NOP distribution list, and public comment letters received on the NOP are provided in Appendix A of the Final EIR.

The Draft EIR for the project was then prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on May 24, 2016, and concluded on July 11, 2016. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse, and the Draft EIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2013101036). A Notice of Availability of the Draft EIR was filed with the County Clerk. Comments on the Draft EIR were received from U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, California Department of Transportation, San Diego County Archaeological Society, California Chaparral Institute/Center for Biological Diversity/Preserve Wild Santee. After the close of the public review period, the City provided responses in writing to all comments received on the Draft EIR.

The Final EIR for the project was distributed on June 1, 2018. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines. The City, acting as the Lead Agency, has reviewed and edited as necessary the submitted drafts and certified that the Final EIR reflects its own independent judgment and analysis under Guideline §15090(a)(3) and CEQA §21082 .1(a)-(c).

The EIR addresses the environmental effects associated with implementation of the project. The EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project. The EIR addressed the potential significant adverse environmental impacts associated with the project, and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts. The EIR is incorporated by reference into this CEQA Findings document.

The EIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a Lead Agency approves a project that has significant unavoidable impacts that cannot be mitigated to a level below significance, the agency must state in writing the specific reasons and overriding considerations for approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines §15093). This is called a "statement of overriding considerations." (CEQA Guidelines §15093).

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of San Diego, Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City Development Services Center is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of

Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Development Services Center. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and Guidelines §15091(e).

SECTION 3: FINDINGS

I. INTRODUCTION

The CEQA Guidelines require that no public agency shall approve or carry out a project which identifies one or more significant environmental impacts of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives where feasible to avoid or mitigate significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency (Guidelines §15091(a)(b)). For those significant impacts that cannot be mitigated to a less than significant level, the Lead Agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (CEQA §21081(b) and Guidelines §15093). If such findings can be made, the Guidelines state in §15093 "the adverse environmental effects may be considered acceptable." CEQA also requires that findings made pursuant to §15091 be supported by substantial evidence in the record (State CEQA Guidelines, §15091(b)). Under CEQA, substantial evidence means enough relevant information has been provided (reasonable inferences from this information may be made) to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts (State CEQA Guidelines, §15384).

The findings reported in the following pages incorporate the facts and discussions in the EIR for the project as fully set forth therein. Although §15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant", these

findings will nevertheless fully account for all such effects identified in the EIR. For each of the significant impacts associated with the project, the following sections are provided:

Description of Significant Impacts: A specific description of the environmental impacts identified in the EIR, including a conclusion regarding the significance of the impact.

Mitigation Measures: Identified feasible mitigation measures or actions that are required as part of the project and, if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.

Finding: One or more of the three specific findings set forth in CEQA Guidelines §15091.

Rationale: A summary of the reasons for the finding(s).

Reference: A notation on the specific section in the EIR which includes the evidence and discussion of the identified impact.

For environmental impacts that are identified in the EIR to be less than significant and do not require mitigation, a statement explaining why the impacts are less than significant is provided.

II. ENVIRONMENTAL IMPACTS THAT ARE LESS THAN SIGNIFICANT AND DO NOT REQUIRE MITIGATION

The Planning Commission of the City of San Diego hereby finds that the following potentially significant environmental impacts will be less than significant. These findings are based on the discussion of impacts in Section 4.0 and 5.0 of the EIR.

A. Land Use

- 1. General Plan/Community Plan/Precise Plan Consistency: The project was found to be consistent with the City's adopted General Plan, as analyzed in Section 4.1, Land Use, of the EIR. The project would be consistent with the applicable goals and policies of the OMCP and would not result in conflicts with the OMCP. The project would be consistent with the 1993 Santee Investments Precise Plan, except for the designation of Neighborhood Commercial in the Precise Plan. The Neighborhood Commercial designation is superseded by the Residential designation of the OMCP; therefore, this inconsistency is not significant. The project would be consistent with the remaining portions of the Precise Plan, including applicable goals and policies. The analysis in Section 4.1, Land Use, of the EIR has demonstrated that the project would not result in a significant impact due to an inconsistency or conflict with the General Plan or the OMCP.
- 2. *Noise Levels in Excess of Noise Ordinance or Incompatible with Noise Element of General Plan:* First and second story areas of most of the proposed multi-family structures with

line-of-sight to Caliente Avenue would exceed the noise abatement outdoor threshold of 60 dBA Community Noise Equivalent Level (CNEL). A condition of project approval on the building permit requiring an interior noise analysis and noise attenuation to attenuate noise levels below 45 dBA CNEL would ensure no significant noise impact would occur, as analyzed in Section 4.1, Land Use, of the EIR.

- 3. **Deviation or Variance:** The project would be consistent with the requirements of the City's Land Development Code and no deviation or variance would be required. Project implementation would result in impacts to sensitive biological resources; therefore, a SDP is required pursuant to the LDC. With the application of mitigation measures to reduce impacts to sensitive biological resources (discussed in Section III.B), significant impacts associated with LDC consistency would not occur.
- 4. *Incompatibility with Airport Land Use Compatibility Plan:* The project site is not within the Airport Influence Area, noise, airspace, overflight, or safety areas for Brown Field Municipal Airport. The project site is located within the Federal Aviation Administration Part 77 notification area; however, the project engineer has obtained a certification that no aviation surface criteria apply. The project would not result in impacts associated with an airport land use compatibility plan.

B. Biological Resources

- 1. **Candidate, Sensitive, or Special Status Species:** Direct impacts to San Diego bur-sage and San Diego sunflower are considered less than significant due to the relatively low sensitivity of these species and the low number of individuals (approximately 5) impacted. No significant impact to these species would occur.
 - The project would remove maritime succulent scrub outside the MHPA, thus, no direct impacts to the coastal California gnatcatcher individuals would occur upon project implementation. Impacts associated with habitat loss for coastal California gnatcatcher are significant and are discussed in Section III.B.
- 2. Sensitive (Tier I, TIER II, Tier IIIA, or Tier IIIB) Habitats: As described in Section 4.2.3 of the EIR, project implementation would result in a substantial adverse impact on both uplands and wetlands habitat. Impacts to uplands (Tier I) non-native grassland (Tier IIIB) are considered significant and are discussed in Section III.B. Impacts to 0.6 acre of eucalyptus woodland and 5.3 acres of disturbed land would not be regarded as significant because these vegetation communities are not considered to be sensitive and they do not provide critical habitat for any sensitive wildlife.
- 3. *Wildlife Corridors:* The project would not directly impact the MHPA areas of the MSCP, which is intended to ensure the provision of regional wildlife corridors. Implementation of the project would not impact any wildlife corridors, nor would it substantially interfere

with the foraging or movement of any native resident or migratory fish or wildlife species. No significant impact would occur.

- 4. *Habitat Conservation Plans:* The project would not directly or indirectly conflict with the MSCP or any other adopted habitat conservation plan. No significant impact would occur.
- 5. *Edge Effects/MSCP Land Use Adjacency Guidelines:* Potential edge effects to adjacent MHPA lands may occur, including impacts associated with project lighting, noise impacts, the introduction of exotic plant species, introduction of nuisance animal species, and human intrusion into MHPA lands. These potential indirect impacts would represent a potential conflict with the MHPA Land Use Adjacency Guidelines of the MSCP. Implementation of Mitigation Measure 4.1-1 under Section 4.1 (Land Use MSCP Land Use Adjacency Guidelines; discussed in Section III.A) and Mitigation Measures 4.2-7 and 4.2-8 for biology impacts (discussed in Section III.B) would ensure the project would not result in significant impacts associated with edge effects and Land Use Adjacency Guidelines.
- 6. *Invasive Species:* The invasion of the open space areas by non-native plants from on-site landscaping could occur with project implementation; however, implementation of Mitigation Measure 4.1-1 under Section 4.1 (Land Use MSCP Land Use Adjacency Guidelines; discussed in Section III.A) would ensure the project would not result in significant impacts associated invasive species.
- 7. Local Policies or Ordinances: All local polices and ordinances, including the City's ESL and MSCP Subarea Plan would be adhered to. In addition, there are no mature native trees present on-site that are subject to any tree preservation policy. implementation of Mitigation Measure 4.1-1 under Section 4.1 (Land Use MSCP Land Use Adjacency Guidelines; discussed in Section III.A), as well as mitigation for biological impacts (discussed in Section III.B) would ensure the project would not result in significant impacts associated invasive species.

C. Transportation/Circulation

- 1. **Traffic Generation and Existing Traffic Load/Capacity of Street System:** In the existing plus project scenario, the project would not have significant direct traffic related impacts at any intersections, roadway segments, or freeway segments. In the existing plus project scenario, the project would not result in an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. No significant impact would occur.
- 2. **Traffic Generation and Community Plan Allocations:** The parcels to be developed as part of the project have been designated as Medium Residential in the OMCP, with a density range between 15 and 29 dwelling units per acre. The project would have a density of approximately 20 dwelling per acre, which is within the density range established within

the OMCP. Therefore, the project would not result in traffic generation in excess of the Community Plan allocations.

- 3. **Existing and Planned Transportation Systems:** The OMCP designates Caliente Avenue as a 6-lane major arterial south of Airway Road. The project is proposing the completion of Caliente Avenue between Public Street A and Airway Road in the horizon year scenario as a 6-Lane Major, with three southbound lanes and three northbound lanes. This configuration is consistent with the OMCP. No significant impact would occur.
- 4. **Traffic Hazards:** All project traffic improvements would be designed consistent with the City's roadway standards and would not create a hazard for vehicles, bicycles, or pedestrians entering or exiting the project site. The project does not propose any other project elements that could potentially create a hazard to the public. No significant impact would occur.

D. Noise

- 1. **Ambient Noise Levels:** The project would contribute to an increase in the existing ambient noise conditions at the project site from approximately 45 dBA to a maximum of 71.0 dBA; however, the project itself would only be responsible for approximately 13.3 percent of the expected noise increase. Caliente Avenue is the primary source of the anticipated noise increases and would be constructed with or without the project. Additionally, at the nearest sensitive receptor, San Ysidro High School, the exterior usable spaces are at distances greater than 250 feet from the roadway, and San Ysidro High School would not be significantly impacted by project noise. The project would not result in a significant increase in the existing ambient noise level. No significant impact would occur.
- 2. *Noise Levels Exceeding the City's Adopted Noise Ordinance:* Construction noise levels, in the worst-case scenario, would be 67.3 dBA at 50 feet for planned residential uses adjacent to the north of the project site, if present at the time of construction activities. The maximum noise level of 67.3 dBA is below the City's construction ordinance limit of 75 dBA and would be less than significant. Long-term noise generated at the site would be primarily HVAC systems designed for single-family uses producing noise levels between 48 to 50 dBA at 50 feet from the source, which would be below the City threshold for noise levels at the property line. The project would not result in the exposure of people to noise levels which exceed the City's adopted noise ordinance and no significant impact would occur.
- 3. **Transportation Noise Levels:** The project site is located within the Airport Land Use Compatibility Plan for Brown Field Municipal Airport, but is outside of the 60-dB CNEL noise exposure contours for Brown Field Municipal Airport. Implementation of the project would not be expose people to existing or future aircraft noise levels that exceed the noise land use compatibility within the General Plan Noise Element or the Airport Land Use

Compatibility Plan for Brown Field Municipal Airport. The project site would also be exposed to transportation noise from vehicular traffic along Caliente Avenue. Impacts to outdoor usable areas would not exceed the City's traffic noise level thresholds and would be less than significant. First and second story areas of most proposed multi-family structures having line-of-sight to Caliente Avenue would exceed the California Code of Regulations Title 24 noise abatement outdoor threshold of 60 dBA CNEL. To eliminate the potential violation of indoor noise level standards for dwelling units that would have line-of-sight to Caliente Avenue, an acoustical study would be required prior to issuance of building permit(s) and adherence to the acoustical study's recommendations would ensure that the Title 24 interior noise standard is met. With these project requirements, the project would not result in the exposure of people to current or future transportation noise levels which exceed guidelines established in the General Plan and land use compatibility guidelines in the Brown Field Airport Land Use Compatibility Plan.

4. Land Use Incompatibility Due to Noise: The proposed multi-family development would not create noise levels which would be incompatible with the adjacent high school use, nor would the high school create noise levels which would be incompatible with the proposed residential development. Project implementation would not cause a land use incompatibility due to noise.

E. Public Utilities

1. Require New or Altered Utilities: Electrical and natural gas services are currently available in the area and extension of these services into the project site is anticipated to occur within the right-of-way of Caliente Avenue. As part of the project, two 16-inch water main extensions would be provided within the proposed extension of Caliente Avenue, which is consistent with the approved South San Diego/Otay Mesa Water Master Plan. Impacts associated with the extension of this water main are the same as for the extension of Caliente Avenue, and these impacts are addressed throughout the EIR. A sewer study was prepared for the project and determined that sufficient facilities exist or are planned in the project area to serve the proposed development without the need for the construction of new or improved sewer facilities. Construction of the proposed storm water drainage facilities would not result in significant impacts to the environment that have not already been addressed by the EIR. A Waste Management Plan was prepared to address cumulative project impacts on landfill capacity and solid waste services. Compliance with the Waste Management Plan is assured by conditions of project approval. The construction of utilities necessary to serve the project would not result in any physical impact to the environment that is not already addressed by the EIR. The project would not result in a need for new or substantial alterations to existing utilities, the construction of which would create physical impacts.

- 2. *Water Usage:* The project would create a demand for 98 million gallons of water per year, which is similar to that of other multi-family residential developments within the region. The project would not use excessive amounts of water.
- 3. **Non-Drought Residential Vegetation/Landscaping:** Landscaping guidelines have been prepared for the project as part of the PDP. The proposed landscaping is predominately comprised of drought-resistant vegetation. The project would not result in landscaping which is predominately non-drought resistant.

F. Air Quality

- 1. **Conflict with Applicable Air Quality Plan:** The project would be consistent with the SANDAG projection for emissions in the area and would not cause an obstruction in the implementation of the Regional Air Quality Strategy or State Implementation Plan.
- 2. *Violate Air Quality Standards or Contribute to an Existing or Projected Air Quality Violation:* As demonstrated in section 4.8.2 of the EIR, the project would not exceed significance thresholds for criteria pollutants. The project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

G. Geology/Soils

- Geologic Hazards Off-Site Landslides, Lateral Spreading, Subsidence, Liquefaction, or Collapse: Implementation of the project would not result in the exposure of people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, liquefaction, or similar hazards, provided that the recommendations in the geotechnical report are followed. Pursuant to Land Development Code Chapter 12, Article 9, Division 6 (Grading Permits), proposed grading permits would be required comply with the recommendations of the project-specific geotechnical report and the City Grading Ordinance, including requirements for remedial grading activities. Significant impacts associated with geologic hazards would not occur.
- 2. **Soil Erosion:** Development of the project site would include grading or disturbance of approximately 27 acres. The project-specific Water Quality Technical Report requires the construction of two detention basins, three hydro modification areas and several bioretention facilities which would ensure that peak flows leaving the site are substantially similar to existing conditions, thereby precluding significant erosion from occurring. Compliance with the City's Storm Water Regulations would ensure that water quality impacts are reduced to a level below significance. With implementation of the water quality detention basins, as required by the project specific Water Quality Technical Report, significant impacts associated with water erosion would not occur. The project plans to vegetate all open graded surfaces and therefore, wind erosion would not occur during or after construction of the proposed site.

3. *Geologic Hazards – Earthquakes, Landslides, Mudslides, Ground Failure:* Implementation of the project would not result in the exposure of people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, liquefaction, or similar hazards, provided that the recommendations in the geotechnical report are followed. Pursuant to Land Development Code Chapter 12, Article 9, Division 6 (Grading Permits), proposed grading permits would be required comply with the recommendations of the project-specific geotechnical report and the City of San Diego Grading Ordinance, including requirements for remedial grading activities. Therefore, significant impacts associated with geologic hazards would not occur.

H. Hydrology

- 1. *Increased Impervious Surfaces and Increased Runoff:* The project would result in a significant increase in impervious surfaces but would not significantly increase runoff from the site due to the hydromodification and detention measures that are proposed. The site storm water runoff would be equivalent to pre-construction conditions. No significant impact would occur.
- 2. **Drainage Patterns and Runoff Flow:** As demonstrated in Section 4.10.2 of the EIR, drainage patterns across much of the project site would be generally maintained with implementation of the project and the project would not result in substantial modification of existing drainage patterns. Project drainage would not lead to a substantial change to downstream flows or velocities. Water quality Best Management Practices (BMPs) have been incorporated into the project's design that would prevent water quality impacts to the Tijuana Valley drainage basin, and only trivial changes in drainage flows would occur. Project implementation would not result in increased runoff from the site. Significant impacts would not occur.
- 3. **Drainages and 100-Year Flood Plain:** The project would not impose flood hazards on properties located upstream or downstream, would not cause alterations to the course or flow of floodwaters, and would not be developed within a 100-year floodplain. Portions of the gross site come within 100 feet of a natural or manufactured drainage, which is vegetated with wetland vegetation. Lots 4 and 5 are proposed as open space and the developable Lots of the project are not located within 100 feet of the drainage area. There would be no significant impacts.

I. Water Quality

1. **Pollutant Discharge to Receiving Waters:** Incorporation of the BMPs required by the project-specific water quality technical report would ensure that runoff from the site is treated and that pollutants are substantially removed from the flows prior to discharge from the site during and after construction. These BMPs and water quality measures

would also prevent identified pollutants from leaving the site and adding to the already impaired water body. The project would include water quality measures identified in applicable water quality control programs in addition to the project-specific BMPs, Low-Impact Development, and Site Design BMPs. Compliance with the City's Storm Water regulations and implementation of identified BMPs would ensure that the project would not result in a significant impact associated with pollutant discharge to receiving waters during or following construction. Significant impacts would not occur.

2. Local and Regional Water Quality: Adherence to the recommendations made in the project-specific water quality technical report, prepared in accordance with the City's Storm water regulation, would be required as a condition of approval for the project. As part of these water regulations the project would implement the construction BMPs as identified in Section 4.11 of the EIR, treatment BMPs, Low Impact Development features, and Source Control BMPs. A significant impact to local or regional water quality would not occur.

J. Energy Conservation

- 1. **Use of Excessive Amounts of Electrical Power:** The project would generate demand for electricity after construction is completed. However, the demand for these would be similar to that of the many other multi-family developments throughout the City of San Diego. As a standard condition of approval, the project would be required to implement all relevant energy conservation measures as outlined in Title 24 of the California Code of Regulations. No significant impact would occur.
- 2. **Use of Excessive Amounts of Fuel:** The project would generate demand for natural gas, oil or gasoline. However, the demand for these would be similar to that of the many other multi-family developments throughout the City of San Diego. As a standard condition of approval, the project would be required to implement all relevant energy conservation measures as outlined in Title 24 of the California Code of Regulations.

K. Visual Quality and Neighborhood Character/Landform

- 1. **Scenic Vistas:** There are no designated viewpoints, view corridors, scenic routes, or scenic vistas on site or in the project vicinity. Project implementation would not result in the obstruction of public views from any designated open space areas, roads, or parks to significant visual landmarks or scenic vistas.
- 2. *Negative Aesthetic/Character of the Site:* Implementation of the project would not create a negative aesthetic, a serious conflict, or contrast with the surrounding neighborhood character. Implementation of the development guidelines as required by the Planned Development Permit would reduce potential impacts to less than significant. The project

would not create a negative aesthetic, a serious conflict, or contrast with the surrounding neighborhood character.

- 3. Alteration to the Character of Area: The project represents a continuation of existing development patterns, including the proposed building types, heights, landscape and hardscape concept plans. The project will not be a severe contrast to the neighborhood character. The project proposes the removal of a group of mature Eucalyptus trees in the center of the project. These trees are non-native and are not distinctive or landmark trees. The project would not result in the substantial alteration to the existing or planned character of the area.
- 4. **Substantial Change in Landform:** The project's proposed grading consists of approximately 26,400 cubic yards of cut and 26,400 cubic yards of fill. All steep slopes and canyon rims are in Lots 4 and 5 and will not be disturbed or altered. There are no on-site steep slopes in Lots 1, 2 or 3. The development of the site would not include substantial changes to natural landforms.
- 5. *Light and Glare:* Proposed building materials would not result in the reflection of a significant amount of glare and the project would comply with the provisions of Section 142.0740 of the San Diego Land Development Code. Lighting from the site could potentially spill onto the adjacent properties, including the adjacent MHPA, which could adversely affect species. However, implementation of Mitigation Measure 4.1-1 under Section 4.1 (Land Use MSCP Land Use Adjacency Guidelines; discussed in Section III.A) would serve to mitigate the impacts of light spillover. With the mitigation contained in Section 4.1 of the EIR (and discussed in Section III.A), the project would not create substantial light or glare which would adversely affect daytime or nighttime views in the area. No significant impact would occur.

L. Greenhouse Gas Emissions

1. Generation of Greenhouse Gas (GHG) Emissions: The project would comply with the City's Climate Action Plan (CAP). The project incorporates state-mandated GHG reduction measures and includes energy, water, and waste efficiency measures as project design features. A CAP Consistency Checklist was prepared for the project. Based on the project CAP Consistency Checklist, the project is consistent with the GHG projections in the CAP and the project would incorporate applicable requirements of the CAP Consistency Checklist. As shown in the project's CAP Consistency Checklist, the project is consistent with existing General Plan and Community Plan land use designations, and the project would meet the CAP strategies requirements for energy and efficient buildings; clean and renewable energy (cool/green roofs, plumbing fixtures and fittings, and energy performance standard/renewable energy); and bicycle, walking, transit, and land use less than significant.

2. **Conflict with Plan, Policy, or Regulation Reducing GHG Emissions:** Sustainable design features that would reduce the project's overall demand for energy includes installation of energy- and water-efficient systems. By implementing these project design features and by complying with the regionals sustainability programs, the project would be consistent with the policies from the Conservation Element of the General Plan that address conservation with the goal of reducing GHG emissions. The project has completed the CAP Consistency Checklist and is consistent with the requirements of the City's CAP. Therefore, the project would not conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.

III. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code §210819(a)(1) that the following potentially significant impacts will be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Section 4.0 of the EIR.

A. Land Use

1. Description of Significant Impacts: Project implementation would not result in any direct conflicts with or impacts to the City's MSCP Subarea Plan. Indirect impacts to the MHPA could occur with project implementation, resulting in a potentially significant impact to land use, requiring mitigation. Indirect impacts requiring mitigation include potential land use adjacency impacts including increased runoff in MHPA areas, the dispersion of light into MHPA areas, construction noise impacts on MHPA areas, the potential for colonization of MHPA areas by invasive plant species, and the intrusion of domestic animals and humans into MHPA areas. Additionally, a potentially significant impact would occur if the project were to fail to implement species specific mitigation for known high or moderate potential sensitive species on site. No impacts would occur to base flood elevations for upstream properties, and no major landform changes would occur. The project proposes to continue the natural slope and drainage patterns of the site.

Mitigation Measures: Mitigation Measure 4.1-1, which requires compliance with MSCP Land Use Adjacency Guidelines, contains requirements associated grading/land development, MHPA boundaries, drainage, toxics/project staging areas/equipment storage, lighting, barriers, invasives, brush management, noise, as well as biological monitoring requirements.

Finding: The City finds that with implementation of Mitigation Measure 4.1-1, indirect impacts associated with land use adjacency would be reduced to a less than significant level.

Reference: EIR, pages 4.1-52 through 4.1-62

B. Biological Resources

1. *Description of Significant Impacts:* As described in Section 4.2.3 of the EIR, the project would result in potentially significant direct impacts to San Diego and Riverside fairy shrimp.

Mitigation Measures: Mitigation Measure 4.2-1 requires mitigation at a 2:1 ratio in conjunction with the vernal pool/road pool mitigation for the project (described in item 2 directly below). Mitigation for fairy shrimp also requires restored vernal pool habitat to support San Diego or Riverside fairy shrimp, as required in the BO for the project, with fairy shrimp surveys conducted within two years of project construction initiation. Additionally, Mitigation Measure 4.2-3, which contains measures to be completed in conjunction with implementation of the project Habitat Management Plan (HMP); Mitigation Measure 4.2-4, which requires initiation of the On-Site Vernal Pool Restoration Plan; and Mitigation Measures 4.2-7 through 4.2-10, which contain permitting and plan check requirements prior to construction activities to ensure that all biological mitigation measures are implemented, would reduce impacts to a less than significant level.

Finding: The City finds that with implementation of Mitigation Measures 4.2-1, 4.2-3, 4.2-4, 4.2-7, 4.2-8, 4.2-9, and 4.2-10, potentially significant direct impacts to San Diego and Riverside fairy shrimp would be reduced to a less than significant level.

Reference: EIR, pages 4.2-32 through 4.2-49

2. *Description of Significant Impacts:* As described in Section 4.2.3 of the EIR, the project would result in potentially significant indirect impacts to vernal pool watersheds and San Diego and Riverside fairy shrimp habitat.

Mitigation Measures: Mitigation Measure 4.2-2 requires a buffer between the brush management areas of the project and Vernal Pool 1, placement of protective fencing along the interface of development and Vernal Pool 1, grading adjacent to Vernal Pool 1 only scheduled when Vernal Pool 1 is dry, and the presence of a biological monitor during construction in the area to ensure activities stay within approved limits. Additionally, Mitigation Measure 4.2-3, which contains measures to be completed in conjunction with implementation of the project HMP; Mitigation Measure 4.2-4, which requires initiation of the On-Site Vernal Pool Restoration Plan; and Mitigation Measures 4.2-7 through 4.2-10, which contain permitting and plan check requirements prior to construction activities to ensure that all biological mitigation measures are implemented, would reduce impacts to a less than significant level.

Finding: The City finds that with implementation of Mitigation Measures 4.2-2, 4.2-3, 4.2-4, 4.2-7, 4.2-8, 4.2-9, and 4.2-10, potentially significant indirect impacts to San Diego and Riverside fairy shrimp would be reduced to a less than significant level.

Reference: EIR, pages 4.2-32 through 4.2-49.

3. *Description of Significant Impacts:* As described in Section 4.2.3 of the EIR, during construction, there is potential for erosion and sedimentation impacts, as well as potential impacts from hazardous spills (fuel, oil, etc.) to indirectly impact sensitive species. In particular, there is potential for indirect impacts to the existing function and values of Vernal Pool 1 and the vernal pool creation area should the 50-foot buffer proposed around it not be maintained. Without adequate protection of the vernal pool and road pool watersheds (as required by the City's ESL regulations) during project construction, and implementation of long-term project design measures that direct runoff away from these sensitive resources, indirect impacts to vernal pool watersheds could occur. These impacts would be significant.

Mitigation Measures: Mitigation Measure 4.2-5 requires the project applicant to show on all plans, to the satisfaction of the City Engineer, that all drainage has been either directed away from the MHPA and on-site vernal pool preserve areas, or has been filtered prior to entering MHPA/vernal pool areas through means such as a natural detention basin, grass swales, or mechanical trapping devices in compliance with the Standard Urban Storm water Management Plan and the Municipal Storm water Permit of the State Water Resources Control Board and the City. Additional requirements of Mitigation Measure 4.2-5 include the use of BMPs and Best Available Control Technology and use of sediment catchment devices downstream of paving activities; a restriction on the trash, oil, parking, or other construction/development-related materials outside of approved construction limits; and monitoring by a Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no leakage or intrusion from construction activities into the MHPA. Additionally, Mitigation Measure 4.2-3, which contains measures to be completed in conjunction with implementation of the project HMP, and Mitigation Measures 4.2-7 through 4.2-10, which contain permitting and plan check requirements prior to construction activities to ensure that all biological mitigation measures are implemented, would reduce impacts to a less than significant level.

Finding: The City finds that with implementation of Mitigation Measures 4.2-3, 4.2-5, 4.2-7, 4.2-8, 4.2-9, and 4.2-10, potentially significant indirect impacts to the MHPA associated with drainage/toxics would be reduced to a less than significant level.

Reference: EIR, pages 4.2-35 through 4.2-49.

4. *Description of Significant Impacts:* As described in Section 4.2.3 of the EIR, if construction were to occur during coastal California gnatcatcher breeding season (March 1 through

August 15), potentially significant indirect noise impacts could occur to coastal California gnatcatchers in the MHPA.

Mitigation Measures: Mitigation Measure 4.1-1 (discussed in Section III.A), which requires compliance with MSCP Land Use Adjacency Guidelines, contains requirements associated noise which would reduce the impact to a less than significant level.

Finding: The City finds that with implementation of Mitigation Measure 4.1-1, potentially significant indirect impacts to the coastal California gnatcatcher in the MHPA from construction noise would be reduced to a less than significant level.

Reference: EIR, pages 4.1-55 through 4.1-61 and pages 4.2-32 through 4.2-45.

5. Description of Significant Impacts: As described in Section 4.2.3 of the EIR, construction during the avian nesting season (February 1 to September 15) could cause nest destruction or nesting birds to be displaced from their nests or territories, and result in a failure to breed successfully. Impacts to nesting birds from project implementation are potentially significant.

Mitigation Measures: Mitigation Measure 4.1-1 (discussed in Section III.A), which requires compliance with MSCP Land Use Adjacency Guidelines, contains requirements associated grading/land development, MHPA boundaries, drainage, toxics/project staging areas/equipment storage, lighting, barriers, invasives, brush management, noise, as well as biological monitoring requirements, would reduce the impact to a less than significant level.

Finding: The City finds that with implementation of Mitigation Measure 4.1-1, potentially significant direct and indirect impacts to nesting birds during project construction would be reduced to a less than significant level.

Reference: EIR, pages 4.2-32 through 4.2-49.

6. *Description of Significant Impacts:* As described in Section 4.2.3 of the EIR, impacts to burrowing owl and their habitat could occur from project implementation. Impacts to burrowing owls are potentially significant.

Mitigation Measures: Mitigation Measure 4.2-6, which is Species Specific Mitigation (required to meet MSCP Subarea Plan Conditions of Coverage) for potential impacts to western burrowing owl and associated habitat located outside of the MHPA), contains requirements for preconstruction surveys, would reduce direct and indirect impacts to burrowing owls to a less than significant level.

Finding: The City finds that with implementation of Mitigation Measure 4.2-6, potentially significant direct and indirect impacts to burrowing owl and their habitat would be reduced to a less than significant level.

Reference: EIR, pages 4.2-34 through 4.2-45.

7. *Description of Significant Impacts:* As described in Section 4.2.3 of the EIR, project implementation would result in a substantial adverse impact on both uplands and wetlands habitat. Impacts to uplands approximately 0.2 acre of maritime succulent scrub (Tier I) and approximately 21.2 acres of non-native grassland (Tier IIIB). Impacts to Tier I and Tier IIIB habitats are regarded as significant, and mitigation would be required.

Mitigation Measures: Mitigation Measure 4.2-9 requires documentation to the City verifying the necessary permits required by the Corps, CDFW, and the Regional Water Quality Control Board have been obtained. Mitigation Measure 4.2-10 provides mitigation for direct impacts to maritime succulent scrub through on-site preservation at a ratio of 1:1. Direct impacts to non-native grassland (non-MHPA) is mitigated through habitat preservation and restoration in the on-site Western and Eastern Preserve areas (to be incorporated into the MHPA). The mitigation for non-native grassland contained in Mitigation Measure 4.2-10 results in a mitigation ratio of 0.8:1 for non-native grassland, which is higher than the City's 0.5:1 ratio for non-native grassland impacts. Implementation of Mitigation Measures 4.2-9 and 4.2-10 reduces impacts to Tier I and Tier IIIB habitat to a less than significant level.

Finding: The City finds that with implementation of Mitigation Measures 4.2-9 and 4.2-10, potentially significant direct and indirect impacts to Tier I and Tier IIIB habitats would be reduced to a less than significant level.

Reference: EIR, pages 4.2-45 through 4.2-49.

8. Description of Significant Impacts: As described in Section 4.2.3 of the EIR, project implementation would result in significant direct impacts to jurisdictional areas. Project-related impacts to Corps jurisdictional areas would encompass 0.13 acre of Corps-defined wetlands (e.g., vernal pools) and 0.28 acre of Corps-defined non-wetland Waters of the U.S., both within and adjacent to the project site. Impacts to CDFW jurisdictional areas would encompass 0.02 acre of CDFW-defined wetlands (e.g., disturbed wetlands) and 0.05 acre of CDFW-defined non-wetland Waters of the State (e.g., ephemeral streambed) on-and off-site. These impacts would be significant.

Mitigation Measures: Mitigation Measure 4.2-11 contains requirements that the City's designee shall verify that notices to proceed regarding permit requirements of the State Water Quality Control Board, Corps, CDFW, and USFWS have been received by the City and that the on-site area to mitigate direct impacts to jurisdictional features have been
assured. Mitigation of impacts to Corps-defined non-wetland Waters of the U.S. (ephemeral drainages), disturbed wetland/vernal/road pool habitat, and other potential indirect impacts would be required as a result of the consultation process with the Corps, CDFW, and the USFWS. Adherence to the permit requirements of the Corps, CDFW, and USFWS (BO) would ensure that impacts to wetlands, riparian areas, and disturbed wetland/vernal/road pools would be reduced to below a level of significance.

Finding: The City finds that Mitigation Measure 4.2-11 and adherence to the permit requirements of the Corps, CDFW, and USFWS (BO) would ensure that impacts to wetlands, riparian areas, and disturbed wetland/vernal/road pools would be reduced to below a level of significance.

Reference: EIR, pages 4.2-49 through 4.2-58.

C. Transportation/Circulation

1. *Description of Significant Impacts:* As described in Section 4.3.2 of the EIR, the following intersections would operate at an unacceptable level of service (LOS) in near term conditions, resulting in significant, direct traffic-related impacts:

Near Term Conditions

- Otay Mesa Road and Caliente Avenue intersection and
- Airway Road and Caliente Avenue intersection

Mitigation Measures: Improvements to both intersections are required by Mitigation Measures 4.3-1 and 4.3-2. Improvements include modification of the traffic signal at the intersection of Otay Mesa Road and Caliente Avenue to remove the crosswalk on the south leg of the intersection, striping of a new crosswalk on the west leg of the intersection, and modification of significant timing to provide less green time for the eastbound through movement and more green time for the westbound left-turn movement. Improvements of the Airway Road and Caliente Avenue intersection include the installation of a traffic signal, striping of the northbound, southbound, and westbound approaches to their ultimate lane configuration, with widening of the street to ultimate pavement width. If the ultimate pavement width is not in place to stripe the additional lanes, the owner/permitee shall widen the street to its ultimate pavement width.

Finding: The City finds that with implementation of Mitigation Measures 4.3-1 and 4.3-2, near-term significant impacts to the Otay Mesa Road and Caliente Avenue intersection and the Airway Road and Caliente Avenue intersection would be reduced to less than significant levels.

Reference: EIR, pages 4.3-7 through 4.3-29.

2. *Description of Significant Impacts:* As described in Section 4.3.2 of the EIR, the following intersections would operate at an unacceptable LOS in horizon year conditions, resulting in significant, cumulative traffic-related impacts:

Horizon Year Conditions

- Otay Mesa Road and Caliente Avenue intersection;
- Caliente Avenue and Public Street A intersection; and

Mitigation Measures: Mitigation for impacts to the Otay Mesa Road and Caliente Avenue intersection for Horizon Year impacts is the payment of a 5.23 percent fair-share contribution towards providing and overlap phase for the northbound right-turn movement at the intersection. Mitigation for the Caliente Avenue and Public Street A intersection requires installation of a traffic significant at the intersection.

Finding: The City finds that with implementation of Mitigation Measures 4.3-3 and 4.3-5, significant impacts to the Otay Mesa Road and Caliente Avenue intersection and the Caliente Avenue and Public Street A intersection during Horizon Year conditions would be reduced to less than significant levels.

Reference: EIR, pages 4.3-7 through 4.3-29.

D. Historical Resources

1. *Description of Significant Impacts:* The analysis contained in Section 4.4.3 of the EIR demonstrates that the project area does not contain significant prehistoric or historic resources, as defined by CEQA. However, surface visibility was less than 100 percent in many areas, resulting in a potential for buried or masked elements to be present at the site.

Mitigation Measures: Mitigation Measures 4.4-1 through 4.4-3 establish protocols for project archaeological monitoring during construction, including requirements prior to permit issuance, prior to construction, and during construction. Mitigation Measure 4.4-4 contains requirements for the discovery of human remains, while Mitigation Measures 4.4-5 and 4.4-6 contain requirements associated with night and/or weekend work. Mitigation Measure 4.4-7 addresses post-construction requirements of archaeological monitoring.

Finding: The City finds that with implementation of Mitigation Measures 4.4-1 through 4.4-7, the potential for adverse effects on previously unidentified archaeological resources would be reduced to a less than significant level.

Reference: EIR, pages 4.4-5 through 4.4-14

2. Description of Significant Impacts: The analysis contained in Section 4.4.3 of the EIR demonstrates that no evidence of religious or sacred uses or sites within the project area were identified. The Viejas Band of Kumeyaay Indians indicated that there are sacred sites in the project vicinity and asked for sacred sites to be avoided via adequate buffers. Significant impacts to religious or sacred uses could occur with implementation of the project, if unknown or buried artifacts are discovered/unearthed during grading.

Mitigation Measures: Mitigation Measures 4.4-1 through 4.4-3 establish protocols for project archaeological monitoring during construction, including requirements prior to permit issuance, prior to construction, and during construction.

Finding: The City finds that with implementation of Mitigation Measures 4.4-1 through 4.4-3, the potential for adverse effects on previously unidentified religious or sacred resources would be reduced to a less than significant level.

Reference: EIR, pages 4.4-6 through 4.4-15.

3. Description of Significant Impacts: The analysis contained in Section 4.4 of the EIR demonstrates that no evidence of human remains, including those interred outside of formal cemeteries. Significant impacts associated with the discovery of human remains could occur with implementation of the project, if unknown or buried remains are discovered/unearthed during grading.

Mitigation Measures: Mitigation Measures 4.4-1 through 4.4-3 establish protocols for project archaeological monitoring during construction, including requirements prior to permit issuance, prior to construction, and during construction. Mitigation Measure 4.4-4 contains requirements for the discovery of human remains, while Mitigation Measures 4.4-5 and 4.4-6 contain requirements associated with night and/or weekend work. Mitigation Measure 4.4-7 addresses post-construction requirements of archaeological monitoring.

Finding: The City finds that with implementation of Mitigation Measures 4.4-1 through 4.4-7, the potential for adverse effects associated with the discovery of human remains would be reduced to a less than significant level.

Reference: EIR, pages 4.4-6 through 4.4-15.

E. Paleontological Resources

1. *Description of Significant Impacts:* The analysis contained in Section 4.5.2 of the EIR demonstrates that the project area contains San Diego and Otay Formations. Both

formations have been assigned a designation of high paleontological resources sensitivity. Project implementation would require grading of approximately 2,500 cubic yards of cut, which would exceed the threshold of 1,000 cubic yards and greater than 10 feet depth for formations with "High" sensitivity.

Mitigation Measures: Mitigation Measures 4.5-1 through 4.5-5 would ensure paleontological resources uncovered during grading activities and appropriately evaluated, and if appropriate, removed and subjected to laboratory procedures in accordance with the City's Paleontological Resource Guidelines. Specifically, Mitigation Measures 4.5-1 through 4.4-3 establish protocols for project paleontological monitoring during construction, including requirements prior to permit issuance, prior to the start of construction, and during construction. Mitigation Measure 4.5-4 contains requirements associated with night work, while Mitigation Measure 4.5-5 contains post construction requirements.

Finding: The City finds that with implementation of Mitigation Measures 4.5-1 through 4.5-5, the potential for adverse impacts to paleontological resources would be reduced to a less than significant level.

Reference: EIR, pages 4.5-2 through 4.5-9.

2. *Description of Significant Impacts:* The project includes the Lindavista Formation, which has been assigned a moderate paleontological resource sensitivity. Project grading of approximately 2,500 cubic yards of cut would exceed the threshold of 2,000 cubic yards and greater than 10 feet in depth.

Mitigation Measures: 4.5-1 through 4.5-5 would ensure paleontological resources uncovered during grading activities and appropriately evaluated, and if appropriate, removed and subjected to laboratory procedures in accordance with the City's Paleontological Resource Guidelines. Specifically, Mitigation Measures 4.5-1 through 4.4-3 establish protocols for project paleontological monitoring during construction, including requirements prior to permit issuance, prior to the start of construction, and during construction. Mitigation Measure 4.5-4 contains requirements associated with night work, while Mitigation Measure 4.5-5 contains post construction requirements.

Finding: The City finds that with implementation of Mitigation Measures 4.5-1 through 4.5-5, the potential for adverse impacts to paleontological resources would be reduced to a less than significant level.

Reference: EIR, pages 4.5-4 through 4.5-9.

F. Noise

1. *Description of Significant Impacts:* The project would result in potential indirect noise impacts to the coastal California gnatcatcher in adjacent MHPA areas during construction activities.

Mitigation Measures: Mitigation Measure 4.6-1 references Mitigation Measure 4.1-1, which specifies that if gnatcatchers are present within the MHPA, construction activities within 500 feet of the MHPA would be restricted between March 1 and August 15 to prevent potential indirect impacts to breeding individuals of coastal California gnatcatcher.

Finding: The City finds that with implementation of Mitigation Measure 4.1-1, the potential for adverse indirect noise impacts to the coastal California gnatcatcher during construction activities would be reduced to a less than significant level.

Reference: EIR, page 4.6-16.

IV. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNMITIGABLE

The City hereby finds that the following environmental impacts are significant and unmitigated and that there is no feasible mitigation. "Feasible" is defined in §15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject a mitigation measure if it finds that it would be infeasible to implement the measure because of specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers. These findings are based on the discussion of impacts in Section 4.0 of the EIR.

A. Transportation/Circulation

- 1. *Description of Significant Impacts:* As described in Section 4.3.2 of the EIR, the following intersection and freeway segment would operate at an unacceptable level of service (LOS) in Horizon Year conditions, resulting in significant, cumulative traffic-related impacts:
 - SR-905 Westbound Ramps and Caliente Avenue; and
 - SR-905 freeway segment between Caliente Avenue and Britannia Boulevard.

Mitigation Measures: The recommend mitigation measure (Mitigation Measure 4.3-4) for the significant, cumulative traffic impact at the SR-905 Westbound Ramps and Caliente Avenue intersection is for the project applicant to pay 7.65-percent fair-share contribution towards the construction of an exclusive southbound right-turn land and striping modifications to Caliente Avenue to provide a second southbound right-turn lane and a second northbound left-turn lane.

The recommended mitigation measure (Mitigation Measure 4.3-6) for the significant cumulative traffic impact on the freeway segment along SR-905 between Caliente Avenue and Britannia Boulevard is for the project applicant to pay fair share contribution towards widening of SR-905.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make any potential mitigation infeasible.

Rationale: Mitigation for the three impacts at the two locations would require the addition of an HOV lane on the mainline or widening on the entrance ramp. Providing an additional (HOV) lane on SR-905 is not a part of the Regional Transportation Plan (RTP) "Reasonably Expected" roadway network and no regional funding source has been identified for the improvement. Thus, the project would result in a cumulatively significant unmitigated impact at the freeway segment along SR-905 between Caliente Avenue and Britannia Boulevard. These impacts are considered also unmitigated since there is no currently planned project to expand the westbound ramp at Caliente Avenue. The ramp expansion would require a reconfiguration of the SR-905/Caliente Avenue interchange, including the widening of the overcrossing to accommodate northbound dual left turn lanes. In addition, because of its proximity to San Ysidro High School, the City determined in the Otay Mesa Community Plan Update EIR that improvements to widen Caliente Avenue as a means to expand the capacity of the interchange would cause unacceptable pedestrian safety issues near the school. Thus, there currently are no projects planned to expand or reconfigure SR-905 near Caliente Avenue. Therefore, mitigation measures identified in the Final EIR to reduce the identified significant impacts are considered infeasible and the project would result in a cumulatively significant unmitigated impact to the affected freeway segment and ramps. Based on these considerations, the capacity-related impacts at SR-905 Westbound Ramps and Caliente Avenue and the SR-905 freeway segment between Caliente Avenue and Britannia Boulevard would be significant and unmitigated.

Reference: EIR, pages 4.3-7 through 4.3-32.

V. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Project Objectives

An important consideration in the analysis of alternatives to the project is the degree to which such alternatives will achieve the objectives of the project. To facilitate this comparison, the objectives of the project contained in Section 3.1 of the EIR are re-stated here:

- Establish a comprehensive development plan for the site which provides an appropriate balance of residential, recreational, and open space land uses.
- Provide a compact neighborhood and appropriate mix of architectural styles and product types.
- Establish a project-wide circulation system that connects to the public streets and roads identified in the adopted OMCP.
- Provide an easement, access path, trail and trailhead kiosk to connect to the community trail network as identified in the OMCP.
- Protect portions of the site that are included in the MHPA of the City's MSCP, and those areas of the proposed open space/preserve that will be added to the MHPA.
- Implement project related public improvements and infrastructure consistent with the adopted OMCP.
- Provide key components of the transportation infrastructure to allow access to and development of the properties south of the site.
- Implement the minimum density range as specified in the OMCP to contribute to the production of an adequate housing supply in the southern geographic area of the City.

B. Project Alternatives

In addition to the project, the EIR evaluated the following two alternatives:

- Alternative 1 No Project/No Development Alternative
- Alternative 2 Reduced Project Intensity Alternative
- 1. No Project/No Development Alternative (EIR, Section 7.5.1)

Alternative Description: The No Project/No Development Alternative assumes that no development would occur on the proposed Candlelight Project site and no dwelling units would be developed. The designated land use would remain multi-family residential; however, no development would occur and the existing vacant land would remain without development.

Compared to the project, the No Project/No Development Alternative would avoid significant project impacts to biological resources (vernal pools and sensitive vernal pool species, sensitive habitat and species associated with the construction of Caliente Avenue, Corps jurisdictional areas, CDFW jurisdictional areas, and City wetlands). The No

Project/No Development Alternative would also avoid the Project's traffic impacts, including its contribution to cumulatively significant impacts to SR 905, the freeway onramp and its intersection with Caliente Avenue. Additionally, the No Project/Np Development Alternative would avoid significant impacts associated with historical resources, paleontological resources, and noise.

Finding: The City finds that although this alternative will avoid impacts associated with biological resources, historical resources, paleontological resources, noise, and transportation, specific economic, legal, social, technological, or other considerations, including those identified in the accompanying Statement of Overriding Considerations, make the No Project/No Development Alternative infeasible, and rejects the No Project/No Development Alternative on such grounds.

Rationale: This alternative would not meet any of the following project objectives:

- Establish a comprehensive development plan for the site which provides an appropriate balance of residential, recreational, and open space land uses.
- Provide a compact neighborhood and appropriate mix of architectural styles and product types.
- Establish a project-wide circulation system that connects to the public streets and roads identified in the adopted OMCP.
- Provide an easement, access path, trail and trailhead kiosk to connect to the community trail network as identified in the OMCP.
- Protect portions of the site that are included in the MHPA of the City's MSCP, and those areas of the proposed open space/preserve that will be added to the MHPA.
- Implement project related public improvements and infrastructure consistent with the adopted OMCP.
- Provide key components of the transportation infrastructure to allow access to and development of the properties south of the site.
- Implement the minimum density range as specified in the OMCP to contribute to the production of an adequate housing supply in the southern geographic area of the City.

Furthermore, the No Project/No Development project would not: 1) assist the City in meeting its projected demand for regional housing; 2) implement improvements to

Caliente Avenue as identified in the OMCP Mobility Element; or 3) implement public utility improvements necessary for the implementation of planned land uses in the southwestern portion of the OMCP area.

2. *Reduced Project Intensity Alternative* (EIR, Section 7.5.2)

Alternative Description: The Reduced Project Intensity Alternative assumes that the project site would be developed with 171 multi-family residential units, recreation facilities, and trail connections. 17.86 acres of open space would be provided along the eastern and western boundaries of the site. On the remaining portions of the site and within the same graded area proposed for residential development under the project, a total of 171 multi-family homes would be constructed. The reduction in residential units would decrease the number of dwelling units to 171 from 475 of the project. This is a 64% reduction from the project in the number of housing units. All other project design features would remain the same as proposed.

Compared to the project, the No Reduced Project Intensity Alternative would eliminate cumulatively significant unmitigated transportation/circulation impacts. However, significant but mitigated impacts related to biological resources, historic resources, and paleontological resources would not be avoided.

Finding: The City finds that although the Reduced Project Intensity Alternative would eliminate the unmitigated project impacts to transportation/circulation, specific economic, legal, social, technological, or other considerations, including those identified in the accompanying Statement of Overriding Considerations, make the Reduced Project Intensity Alternative infeasible, and rejects the Reduced Project Intensity Alternative on such grounds.

Rationale: The Reduced Project Intensity Alternative would not meet all the project goals and objectives. Specifically, it would not implement the minimum density range as specified in the OMCP and General Plan, and it would impede the provision of an adequate housing supply in Otay Mesa. Thus, this alternative would create an inconsistency with the OMCP. Further, it would be inconsistent with General Plan Policy L.U.-C.4. "Ensure efficient use of remaining land available for residential development and redevelopment by requirement that new development meet the density minimums of applicable plan designations." This alternative would propose 7.05 du/ac, where the land use designation requires 15-29 du/ac. In addition, this alternative would not result in a compact neighborhood, as identified in the project objectives, because the density and unit count would be so much lower than the proposed project that multi-story structures would no longer be necessary.

VI. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Significant Irreversible Environmental Changes that will be Caused by the Project (EIR Section 6.3)

Section 15126.2(c) of the CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur as a result of project implementation. Development of the project would result in the consumption of energy and nonrenewable resources, including electricity, energy derived from fossil fuels, construction materials, potable water, and labor during the construction phases. The City finds that use of these resources would have an incremental effect on the regional consumption of these commodities, and therefore, result in long-term, irretrievable loses on non-renewable resources such as fuel and energy; however, their use would not be expected to negatively impact the availability of these resources. An incremental increase in energy demand would also occur during post-construction activities including lighting, heating, and cooling of proposed structures. However, the impact of increased energy usable is not considered a significant adverse environmental impact. The project would result in the development of the site, which is currently vacant, graded, and designated for residential uses. The site does not contain agricultural or forestry resources. No significant mineral deposits underlie the site, nor are there any known significant cultural resources present on site. No water bodies are located on the site or within the project vicinity.

B. Growth Inducing Impacts of the Project (EIR Section 6.4)

The City finds that the project would not result in growth-inducing impacts. The project is consistent with the land use designation in the OMCP. The project's proposed density of 20.0 du/ac is within the density range permitted on site by the OMCP. As part of the project, a 10-inch private gravity sewer main (northern Caliente Avenue), two 12-inch public force mains (Caliente Avenue), two 6-inch public force mains (Caliente Avenue), an 8-inch public gravity main (Public Street A) and two dual 6-inch private force mains (Lots 1 and 3) would be installed to provide sewer service for the project. In addition, two 16-inch water mains would be installed within the right-of-way of Caliente Avenue. Although these new sewer and water facilities would be sized to have a capacity that is greater than is necessary to serve the project, they are part of the planned infrastructure required to implement the adopted land uses in the OMCP. The City finds that implementation of the project would not result in indirect growth inducing impacts to the region.

VII. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FINAL EIR

The Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines §15088(c).

Finding/Rational: Responses to comments made on the Draft EIR and revisions to the Final EIR merely clarify and amplify the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b).

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

Public Resources Code §21081(b) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. CEQA Guidelines § 15093 adds that the decision-making agency must "balance, as applicable, economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project." CEQA further requires that, when the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final EIR and/or other information in the record (§15093[b] of the State CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to §15091[§15093[c] of the State CEQA Guidelines).

The City Council, (i) having independently reviewed the information in the Final EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the Candlelight Project against the significant environmental impacts, chooses to approve the Candlelight Project, despite its significant environmental impacts, because in its view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

The following statement identifies why, in the City Council's judgment, the benefits of the Candlelight Project as approved outweigh the unavoidable and unmitigable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant, unavoidable and unmitigable impacts. Substantial evidence supports the various benefits. Such evidence can be found either in the preceding sections, which are incorporated by reference into this section, the Final EIR, or in documents that comprise the Record of Proceedings in this matter.

IX. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

- 1. Implementation of the project will provide an appropriate balance of residential, recreational, and open space land uses consistent with the OMCP.
- 2. Implementation of the project will construct a housing development that enhances and contributes to the OMCP's community's character and vitality and is complimentary to the planned community character.

- 3. Implementation of the project will contribute to the production of an adequate housing supply in the southern geographic area of the City.
- 4. Implementation of the project result in quality design and development controls that ensure a unified and cohesive development that is responsive to environmental regulations.
- 5. Implementation of the project will facilitate development of key components of the transportation infrastructure planned in the OMCP Mobility Element.
- 6. Implementation of the project will facilitate development of public utility improvements necessary for the implementation of planned land uses in the southwestern portion of the OMCP area.
- 7. Implementation of the project will protect portions of the site that are included in the MHPA of the City's MSCP, and those areas of the proposed open space/preserve that will be added to the MHPA
- 8. Implementation of the project will provide increased housing adjacent to an already urbanized area with bus routes and employment opportunities, thus implementing the efficient integration and coordination of transportation and land uses, consistent with SB 375 the Sustainable Communities and Climate Protection Act of 2008.
- 9. Implementation of the project will assist in the implementation of San Diego's General Plan City of Villages strategy and regional smart growth principles. Per the SANDAG 2010-2020 Regional Housing Needs Assessment (RHNA), it is currently forecast that the region will build 125,000 housing units but will need 161,980 housing units. Thus, the provision of 475 homes would benefit the region's housing goals.

X. CONCLUSION

For the foregoing reasons, the City finds that the project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City has adopted these Findings and Statement of Overriding Considerations.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. 40329/SCH No. 2013101036

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. 40329/SCH No. 2013101036 shall be made conditions of Tentative Map (TM), Planned Development Permit (PDP), and Site Development Permit (SDP) as may be further described below.

MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) Section 21081.6 requires that a mitigation monitoring and reporting program (MMRP) be established upon certification of an Environmental Impact Report (EIR). It stipulates that "the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation."

This MMRP has been developed in compliance with Section 21081.6 of CEQA and identifies (1) project design features in order to reduce the potential for environmental effects; (2) mitigation measures to be implemented prior to, during, and after construction of The Reserve project; (3) the individual/agency responsible for that implementation; and (4) criteria for completion or monitoring of specific measures.

8.1 GENERAL

Part I - Plan Check Phase (prior to permit issuance)

- Prior to issuance of a Notice To Proceed for a subdivision, or any construction permit, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department Director's Environmental Designee shall review and approve all Construction Documents (plans, specification, details, etc) to ensure the MMRP requirements are incorporated in the design.
- 2. In addition, the Environmental Designee 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 documents in the format specified for engineering construction document templates as shown on the City of San Diego's 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.

Part II - Post-Plan Check (after permit issuance/prior to start of construction)

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

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

CONTACT INFORMATION:

- a. The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division -**858.627.3200
- b. For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE AND MMC at 858.627.3360
- 2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) No. 40329 and /or Environmental Document 40329/SCH No. 2013101036 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department'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 filed 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 these permits or requirements. Evidence shall include copies of permits, letter of resolution, or other documentation issued by the responsible agency.
- 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 INSPECITONS: The Permit Holder/Owner's representative shall submit all required documentation, verification letter, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Issue Area	Document Submittal	Associated Inspection/Approvals/ Notes
General	Consultant Qualification letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work
Biology	Surveys	Presence/ Absence Surveys
Paleontology	Paleontology Reports	Paleontology Site Observation
Archaeology	Archaeology Reports	Archaeology Site Observation
Native American Monitor	Native American Report	Native American Site Observation
Land Use	Land Use Adjacency Issues CSVRs	Land Use Adjacency Issue Site Observations
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

8.2 SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Land Use (MSCP)

Land Use Adjacency Guidelines (LUAG)

4.1-1 I. Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's 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 Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:

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

B. Drainage - All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

C. Toxics/Project Staging Areas/Equipment Storage - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CD's 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."

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

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

F. Invasives - No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.

G. Brush Management - New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. The project does not propose use of Zone 2

brush management. Brush management zones will not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 1420412.

H. 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: California Gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

COASTAL CALIFORNIA GNATCHATCHER (Federally Threatened).

1. Prior to the issuance of any grading permit, (prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (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 between March 1 and August 15, the breeding season of the coastal California Gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

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

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied 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 would result in noise exceeding 60 decibels hourly average at the edge of occupied habitat within the MHPA. The analysis shall be prepared by a qualified acoustician possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species. The acoustician shall be approved by the City Manager or appropriate designee two week prior to the commencement of construction activities. Prior to the commencement of construction during the breeding season, areas restricted shall be staked or fenced under the supervision of a qualified biologist; or
- III. At least two weeks prior to the commencement of construction activities, noise attenuation measures, if warranted, shall be implemented under the direction of a qualified acoustician to ensure that construction noise levels would not exceed 60 dB(A) hourly average at the edge of the MHPA habitat occupied by the coastal California gnatcatcher. Concurrently, noise monitoring shall be conducted at the edge of occupied habitat within the MHPA to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques are not adequate, construction activities in the area shall cease until adequate attenuation can be achieved as directed by the qualified acoustician or until the end of the breeding season (August 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verity that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA 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 coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

- I. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III above shall be adhered to as specified above.
- II. If this evidence concludes that no impact to this species is anticipated, no mitigation measures would be necessary.

Biological Resources

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 (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project'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. **Preconstruction Meeting -** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents -** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. BCME The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements -** To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to

determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/ buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. **Resource Delineation** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an onsite educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian 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 BCME. 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 (CSVR). The CSVR shall be e-mailed to MMC 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.
- B. **Subsequent Resource Identification -** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (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 Measures

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

USFWS Biological Opinion Measures

The following mitigation measures are derived from the BO for fairy shrimp and on-site resources.

San Diego and Riverside Fairy Shrimp

- **4.2-1** Impacts to listed fairy shrimp shall be mitigated at a 2:1 ratio in conjunction with the vernal pool/road pool mitigation discussed under Issue 3. Restored vernal pool habitat shall support San Diego or Riverside fairy shrimp, as required in the BO. Additionally, the BO requires that fairy shrimp surveys be conducted within 2 years of initiation of project construction activities.
- **4.2-2** The following measures to avoid indirect impacts to vernal pool watersheds and San Diego and Riverside fairy shrimp habitat:
 - a. In order to avoid direct, construction-phase impacts to avoided vernal pool watersheds, the following measures shall be incorporated into the final design plans and construction contract requirements for the proposed project:
 - A 50-foot buffer shall be provided between the brush management area and VP1.
 - Prior to initiation of construction activities, protective fencing (e.g., silt fencing and construction fencing) shall be installed along the interface of development and VP 1 to protect the watershed, Grading adjacent to VP 1 shall be scheduled when VP 1 is dry.
 - A biological monitor shall be on site during construction in this area to ensure that activities stay within approved limits.
- **4.2-3** An HMP (Helix 2008a) for the open space areas within the project site and adjacent Candlelight Villas West project site that incorporates short- and long-term maintenance activities, protective fencing, trash removal, public awareness, erosion control, and exotic pest removal has been prepared. The HMP will be implemented upon successful completion of the vernal pool habitat restoration effort. The following measures shall be completed, in conjunction with the HMP:
 - The applicant shall identify an appropriate habitat manager (i.e., natural

lands management organization subject to approval of the City and wildlife agencies) to ensure conservation of biological resources in the on-site open space areas in perpetuity.

- A Property Analysis Record (PAR) or similar analysis shall be prepared for the on-site biological open space areas and used to estimate initial startup costs and ongoing annual cost of management activities for the HMP. A preliminary PAR is provided in the HMP to help identify long term management costs for the preserve.
- A financial mechanism (e.g., non-wasting endowment) shall be established to ensure that funding is available and of a sufficient amount. The City reserves the right to review the financing plan to ensure that funding is sufficient to cover City involvement in monitoring the manager or assuming manager's duties in the event of default.
- The habitat manager shall be responsible for implementing the HMP.
- **4.2-4** The On-site Vernal Pool Restoration Plan (Helix 2008b) shall be initiated prior to issuance of the first grading permit. At a minimum, initiation activities must include fencing of the preserve areas, placement of signage, and initial site preparation (trash and weed removal).

Non-Biological Opinion Mitigation Measures

Drainage/Toxics

4.2-5 Prior to issuance of the first grading permit, the applicant shall show on the plans, to the satisfaction of the City Engineer, that all drainage has been either directed away from the MHPA and on-site vernal pool preserve areas, or has been filtered prior to entering MHPA/vernal pool areas through means such as a natural detention basin, grass swale(s), or mechanical trapping device(s) in compliance with the Standard Urban Storm water Management Plan and the Municipal Storm water Permit of the SWRCB and the City.

The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment catchment devices downstream of paving activities shall 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 SWRCB and City.

Projects that use chemicals or generate by-products that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. 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 CD's 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."

Burrowing Owl Measures

4.2-6 The following is species specific mitigation required to meet MSCP Subarea Plan Conditions of Coverage for potential impacts to Western Burrowing Owls (BUOW) and their associated habitat located OUTSIDE the MHPA. Please note BUOW and associated habitat impacts within the MHPA MUST BE AVOIDED.

PRECONSTRUCTION SURVEY ELEMENT

Prior to Permit or Notice to Proceed Issuance:

- 1. As this project has been determined to be BUOW occupied or to have BUOW occupation potential, the Permit Holder shall submit evidence to the ADD of Entitlements verifying that a Biologist possessing qualifications pursuant "Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012 (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.
- 2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

Prior to Start of Construction:

- The Permit Holder and Qualified Biologist must ensure that initial preconstruction/take avoidance surveys of the project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading of the project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.
- 2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report - Appendix D (*please note, in 2013, CDFG became California Department of Fish and Wildlife or CDFW*).
- 3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of preconstruction/take avoidance surveys. Verification shall be provided to the City's Mitigation Monitoring and Coordination (MMC) Section. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WA's shall be provided prior to ground disturbing activities.

During Construction:

- Best Management Practices shall be employed as BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs from recolonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.
- 2. On-going BUOW Detection If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs or burrows are detected during the pre-construction surveys, Section "B" shall be followed. NEITHER THE MSCP SUBAREA PLAN NOR THIS MITIGATION SECTION ALLOWS FOR ANY BUOWS TO BE INJURED OR KILLED OUTSIDE OR WITHIN THE MHPA; in addition, IMPACTS TO BUOWS WITHIN THE MHPA MUST BE AVOIDED.
- A. Post Survey Follow Up if Burrowing Owls and/or Signs of Active Natural or Artificial Burrows Are <u>Not</u> Detected During the Initial Pre-Construction Survey - Monitoring the site for new burrows is required using Appendix D protocol for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol*)
 - 1) If no active burrows are found but BUOWs are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.
 - 2) If no active burrows are found but BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's Mitigation Monitoring and Coordination (MMC) Section shall be notified and any portion of the site where owls have been sites and that has not been graded or otherwise disturbed shall be avoided until further notice.
 - 3) If a BUOW begins using a burrow on the site at any time after the initial preconstruction survey, procedures described in Section B must be followed.
 - 4) Any actions other than these require the approval of the City and the Wildlife Agencies.
- B. Post Survey Follow Up if Burrowing Owls and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction Survey

- Monitoring the site for new burrows is required using Appendix D CDFG 2012, Staff Report for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE* - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol).

- This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – all direct and indirect impacts to BUOWs within the MHPA <u>SHALL</u> be avoided.
- 2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles *etc.*) on or within 300 feet of the proposed construction area, the City's MMC Section shall be contacted. The City's MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. This distance may increase or decrease, depending on the burrow's location in relation to the site's topography, and other physical and biological characteristics.
- a) **Outside the Breeding Season** If the BUOW is using a burrow on site outside the breeding season (i.e. September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the Wildlife Agencies for eviction is obtained prior to implementation.
- b) **During Breeding Season** If a BUOW is using a burrow on-site during the breeding season (Feb 1-Aug 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the BUOWs can be evicted. Eviction requires written concurrence from the Wildlife Agencies prior to implementation.
- **3. Survey Reporting During Construction -** Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City's MMC Section and the Wildlife Agencies and must be provided in writing (as by e-mail) and acknowledged to have been received by the required Agencies and DSD Staff member(s).

Post Construction:

• Details of the all surveys and actions undertaken on-site with respect to BUOWs (i.e., occupation, eviction, locations etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include

summaries off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

Outside Agency Permit Assurance Measures

- **4.2-7** Prior to the issuance of the first grading permit, a note shall be added to the plans which states, "All lighting installed in the vicinity of the MHPA and other open space (including on-site vernal pool preserve areas) shall be directed away or shielded to prevent light overspill. Shielding may consist of installation of fixtures that physically direct light away from the outer edges of the property or by landscaping, berming, or other physical barriers that prevent light overspill. Prior to the issuance of the first building permit, the Building inspector shall ensure that project lighting shall be directed away from adjacent open space (including vernal pool preserve areas) and MHPA areas.". It should be noted that no night time lighting is proposed at this time.
- **4.2-8** Prior to the issuance of the first grading permit, the applicant shall submit a landscape plan consistent with Exhibit "A." The plan shall include only native species adjacent to the MHPA and on-site vernal pool preserve areas, and shall include view fencing surrounding the on-site MHPA and vernal pool preserve areas located at the eastern end of the site.

Habitat Mitigation

- **4.2-9** Prior to issuance of grading permits, the applicant shall submit documentation to the City of San Diego verifying that the necessary permits required by the Corps, CDFW, and RWQCB have been obtained.
- 4.2-10 Prior to the Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to the issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the following mitigation measures are completed:

(Table 4.2_8 represents the required-upland habitat mitigation requirements. Note that the amounts shown are based on impacts occurring outside the MHPA, with mitigation occurring within the MHPA).

Direct impacts to maritime succulent scrub and non-native grassland habitats shall be mitigated as described below.

a. Direct impacts to 0.2 acre of maritime succulent scrub shall be mitigated within the MHPA through on-site preservation at a ratio of 1:1, resulting in a total mitigation requirement of approximately 0.2 acre of Tier I habitat. Between the Eastern and Western Preserve areas the project would preserve approximately 5.7 acre of maritime succulent scrub habitat within the MHPA. A surplus of approximately 5.5 acres of preserved MSS habitat on site will be used as partial mitigation for NNG impacts. In addition, 5.2 acres of maritime succulent scrub shall be restored in the western portion of the site within the on-site vernal pool restoration complex (Helix 2008b), all of which shall be used for mitigation for impacts to non-native grassland.

- b. Direct impacts to 21.2 acres of non-native grassland (non-MHPA) shall be mitigated through habitat preservation and restoration in the on-site Western and Eastern Preserve Areas (to be incorporated into the MHPA). Combined, the preserve areas encompass 17.3 acres of habitat, 0.2 of which would be used for maritime succulent scrub mitigation. The remaining 17.1 acres would be used to mitigate the project's impacts to non-native grassland habitat, all of which would be considered suitable for burrowing owls as foraging and/or nesting habitat. This would result in an approximate mitigation ratio of .8:1, which is higher than the City's .5:1 ratio for non-native grassland habitat impacts. In addition to this preservation, habitat restoration of vernal pool and maritime succulent scrub habitats would occur in both preserve areas. While not a mitigation measure, the restoration effort also would incorporate 6 artificial burrowing owl burrows (4 in the western preserve and 2 in the eastern preserve) to help enable this species become established on the site.
- c. Prior to the issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the applicant has recorded a covenant of easement or a dedication in fee title over the western and eastern preserve areas. The applicant also shall provide funding as specified in the HMP.

Outside Agency Permit Assurance Measures

4.2-11 Prior to the issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that notices to proceed regarding permit requirements of the State Water Regional Board, Army Corps, CSFW, and USFWS (BO) have been received by the City and that the on-site area to mitigate direct impacts to wetland/riparian/waters features has been assured through a County recorded covenant of easement with mitigation/ restoration measures poised to be commenced with permit notice to proceed as described below and as outlined under the following project specific documents: Appendix P -On-site Vernal Pool Restoration Plan (Helix, August 5, 2008 with Alden update July 2, 2013); and Appendix S -USFWS BO (Section 7 Consultation for the Candlelight Villas Project, Corps 404 File No. 200501638-LAM, June 21, 2010). All required mitigation elements of Appendix P, Q and S shall be listed

verbatim and reflected in applicable notes and details on the final construction plans to the satisfaction of City MSCP, MMC or Permit Reviewer.

- a. Mitigation for vernal/road pool impacts shall include (1) preservation of VP 1 and enhancement of its associated watershed located in the Eastern Preserve Area; (2) restoration of vernal pool habitat within the western portion of the site, and preservation of VP 38 through 43 located in the Western Preserve Area. Impacts to disturbed wetland and jurisdictional streambed also will be mitigated through vernal pool preservation and restoration. Combined, the project would be required to restore 1.25 acres and preserve/enhance 0.07 acres of vernal pool habitat on site. An On-site Vernal Pool Restoration Plan has been prepared that describes the proposed vernal pool restoration as well as enhancement of VP 1 (Helix 2008b). All restored pools and enhanced pools will be planted with vernal pool indicator plant species and inoculated with San Diego and/or Riverside fairy shrimp. However, only 0.96 acre of the restored pools will be required to support reproducing fairy shrimp populations (USFWS 2010).
- b. Indirect impacts to preserved and adjacent vernal pools would be fully mitigated through adherence to the requirements of the HMP. Adherence to the HMP would ensure that indirect impacts due to runoff, construction activities, and/or human or animal intrusion into the area would be mitigated to a level below significance.
- c. Prior to bond sign-off for the project, evidence of compliance (i.e., certificates of completion) with all USFWS BO, MHP, ACOE and CDFW permits shall be provided to the satisfaction of the City ADD environmental designee.

Transportation/Circulation

Near-term Conditions

- **4.3-1** Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the modification of the traffic signal at the intersection of Caliente Avenue and Otay Mesa Road to remove the crosswalk on the south leg of the intersection, stripe a new crosswalk on the west leg of the intersection and modify the signal timing to provide less green time for the eastbound through movement and more green time for the westbound left-turn movement, satisfactory to the City Engineer. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.
- **4.3-2** Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the installation of a traffic signal at the intersection of Caliente Avenue and Airway Road and stripe the northbound, southbound, and westbound approaches to their ultimate lane configuration satisfactory to the City Engineer. If the ultimate pavement width is not in place to stripe the additional lanes, the Owner/Permitee shall widen the street. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.

Horizon Year Conditions

- **4.3-3** Prior to the issuance of the first building permit, the Owner/Permitee shall provide a 5.23-percent fair-share contribution towards providing an overlap phase for the northbound right-turn movement at the intersection of Otay Mesa Road and Caliente Avenue, satisfactory to the City Engineer.
- **4.3-4** The recommended mitigation measure for the significant cumulative traffic impact at the SR-905 Westbound Ramps and the Caliente Avenue intersection is for the project applicant to pay 7.65-percent fair share contribution towards the construction of an exclusive southbound right-turn lane and striping modifications to Caliente Avenue to provide a second southbound right-turn lane and a second northbound left-turn lane. However, these impact are considered unmitigated since there are not currently planned or funded projects to expand the SR-905/Caliente Avenue interchange.
- **4.3-5** Prior to issuance of the first building permit, the Owner/Permitee, shall assure the installation of a traffic signal at the intersection of Caliente Avenue/Public Street "A", satisfactory to the City Engineer. The signal to be installed when warranted, and potentially can be assured through a bonded Deferred Improvement Agreement, to the satisfaction of the City Engineer.
- **4.3-6** The recommended mitigation measure for the significant cumulative traffic impact on the freeway segment along SR-905 between Caliente Avenue and Britannia Boulevard is for the project applicant to pay fair share contribution towards widening of SR-905. However, there currently are not any planned or

funded projects to expand SR-905. Therefore, the impact at this location would be unmitigated for the Horizon Year scenario.

Historical Resources

Prior to Permit Issuance

- **4.4-1** Prior to the issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the following shall occur:
 - A. Entitlements Plan Check
 - Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
 - B. Letters of Qualification have been submitted to ADD
 - The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 - Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to Start of Construction

4.4-2 Prior to the start of construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:

Verification of Records Search

The PI shall provide verification to MMC that a site-specific records search (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

- The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.
- C. PI Shall Attend Pre-Construction (Precon) Meetings
 - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist 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.
 - 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) 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 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.

During Construction

4.4-3 During construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:

- A. Monitor Shall be Present During Grading/ Excavation/Trenching. In addition, a Native American Monitor Shall be present, specifically a Native American (Kumeyaay) monitor shall participate in the monitoring program for the project.
 - 1. The Archaeological monitor and Native American (Kumeyaay) monitor shall be present full time during 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 potential safety concerns within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
 - 2. The Archaeological monitor and Native American (Kumeyaay) 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 may reduce or increase the potential for resources to be present.
 - 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 - 1. In the event of a discovery, the Archaeological Monitor and/or Native American (Kumeyaay) monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 - The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 - No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

- D. Determination of Significance
 - 1.The PI and Native American representative from the Native American (Kumeyaay) tribe, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - 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.
 - If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before grounddisturbing 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.** Any Native American cultural material shall be curated with the Barona Band of Mission Indians.
 - 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.

Discovery of Human Remains

4.4-4 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 set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

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.
- The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- E. 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 provenience of the remains.

- The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
- If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- F. If Human Remains **are** determined to be Native American, then the following shall occur:
 - 1.The Medical Examiner shall notify the Native American Heritage Commission (NAHC) and the Native American (Kumeyaay) monitor within 24 hours. By law, **only** the Medical Examiner can make this call.
 - 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 covenant easement or a dedication in fee title on the site;
- of
- (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.

- G. 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 Pl 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.

Night and/or Weekend Work

- **4.4-5** A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.

2. The following procedures shall be followed.

a. No Discoveries

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

b. Discoveries

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

c. Potentially Significant Discoveries

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

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- **4.4-6**A. 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.
- B. All other procedures described above shall apply, as appropriate.

In the event that night work becomes necessary during the course of construction activities, then the following shall occur:

The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

- G. The RE, or BI, as appropriate, shall notify MMC immediately.
- H. All other procedures described in Mitigation Measure 4.4-5 shall apply, as appropriate.

POST CONSTRUCTION

- **4.4-7** Following completion of construction activities, the following shall occur:
 - A. Preparation and Submittal of Draft Monitoring Report
 - The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the 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 Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

- 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 Bl, 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 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

- **4.5-1** Prior to the issuance of any construction permits
 - A. Entitlements Plan Check

- Prior to the issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 - The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontological 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 must obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to Start of Construction

- **4.5-2** Prior to the start of construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:
 - A. Verification of Records Search
 - 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 Pre-Construction (Precon) Meetings
 - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
- 2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an 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.
 - b. 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.

During Construction

- **4.5-3** During construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:
 - A. Monitor Shall be Present During Grading/Excavation/Trenching
 - The monitor shall be present full time during grading/excavation/ trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of 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 Bl, 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. 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. The determination of significant 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 the 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.

Night Work

4.5-4 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 work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Mitigation Measures 4.4-3 (Section III -During Construction).

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Mitigation Measure 4.4-3 (Section III - During Construction) shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the next business day to report and discuss the findings as indicated in Section III-B of Mitigation Measure 4.4-3 (Discovery Notification Process), 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.

Post Construction

- **4.5-5** Following completion of construction activities, the following shall occur:
 - A. Submittal of Draft Monitoring Report
 - The PI shall submit two copies of the Draft Monitoring Report (even if negative) 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. The PI shall be responsible for recording sites with the San Diego Natural History Museum (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 shall submit 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)

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.

1. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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



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PLANT MATERIAL LEGEND

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Street Trees for Public Street A - 100% 24" box - 30' O.C.

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PREPARED BY : NAME : GREGE STOCKWELL & ASSOCIATES INC. ADDRESS : P.O. BOX 1056 FOWAY, CA 92074 PHONE # : 558-748-3350 PROJECT ADDRESS : CAURTE AVE., SOUTH OF DIAY MESA ROAD, NEAR THE NIERECTION OF ARWAY ROAD. PROJECT NAME : CANDIELIGHT	RE VISION 14

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

Public Present: David Wick (National Enterprises), Richard Lawrence, Todd Ingalls, Michael Deutsch, Vic Salazar, Walter Schwerin, Leo Espelet, Libario Ruiz, Ted Shaw, , Coco Rios Fidel.

City Staff Present: Ruth Martin (Councilmember David Alvarez, District 8), Bobby Mordenti, SD Planning, Carlos LaCarra SDPD

Guests Present: None

1	genda Item	Discussion	Action Item
1.	Call to Order / Introduction of Members	Chairman Hixson called the meeting to order at 3:14 pm. Members in attendance introduced themselves.	
2.	Approval of minutes	Minutes from the February 17, 2016 Otay Mesa Planning Group meeting were presented.	Motion made and seconded to approve minutes. The minutes were unanimously approved.
3.	Public Input	 Michael Deutsch spoke regarding a planned storage facility at Otay Mesa Rd. and Cactus Rd. He has acquired ½ of the property for the plan and is in the process of acquiring the other half. He will be presenting his proposed facility at an upcoming Planning Group meeting. Mel Ingalls followed up on illegal dumping in OM with pictures of suspect vehicles dumping on a property adjacent to Mel's property. Richard Lawrence spoke regarding SD for Open Gov. – Requested resolution from Planning Groupp for increase in TOT tax to resolve maintenance backlog in the City and to support the re-use of Qualcomm Stadium site for educational purposes. 	
4.	Chairman's Report	 Chairman Hixson noted items that were received by the Planning Group regarding: Notice of Draft EIR for Jamul Indian Village. Notice of application to vacate public ROW at De la Fuente Park. Notice of Brown Field Rehabilitation. 2016 Community impact and performance report from MTS. Notice of Verizon on the 905 in OM. Copy of the Draft Central Village Specific Plan. Information on the street vacation at Border Business Park. Request for extension of use permit for 7-Eleven. Progress report on Otay Mesa Road. 	Board Members who would like copies or information about the listed notices should follow up with Rob Hixson
5.	Government Liaison Reports	 Reports were given from the following offices: A. <u>Councilman Alvarez's office</u> – Ruth Martin reported that: Requested proposed projects for upcoming budget hearings. B. <u>Mayor's Office</u> – no report. C. <u>Supervisor Cox</u> – No report. D. <u>Assembly Member Gonzalez Office</u> – No report 	

Agenda Item	Discussion	Action Item
	 E. <u>San Diego Police Department, Southern Division</u> – Carlos Lacarra announced SDPD is looking to fill a dispatcher position and requested referrals. Provided flyers for upcoming Community Safety Meeting, Juvenile Hall Open House, and scheduled Coffee w/ SDPD Southern Division on April 26. F. <u>Fire Department</u> – no report G. <u>Immigration and Customs</u> – no report 	
5. Monthly Reports	Reports were given from the following committees and associations: A. <u>Community Planners Committee (CPC)</u> , Mel Ingals reported: Review of Data SD.org. New website for review of City doc's online. Complete details of CPC minutes can be found here: 	

Agenda Item	Discussion	Action Item
	 Cal Trans Interchange is fully funded and there should be completed connections between 125, 905, and SR11 by 2018. Looking ahead towards Phase II for completion of 2nd Border crossing. SR11 toll agreed to be collected by US and currently negotiating how fees to be split with Mexico. 	
7. Information Items	None	
8. Action Items	 A. Otay Storm Drain Project, Lee Ruiz — There was some confusion with the Otay Nestor Planning Group. B. Pure Water SD Program, Vic Salazar – Provided information and requested support from the OMPG. Funding is approved. C. Castlerock, Pardee/Jimmy Ayala – Requesting support for a variance to an approved project to add 42 affordable units. Playa Del Sol is a 42 acre, 913 unit multifamily complex in which 42 units will be made affordable housing with support from Housing Commission. The 42 affordable units will satisfy the requirement for another proposed Pardee project in East County and slated to be annexed into the City of Santee. Attendee Carlos Lacarra voices opposition to the proposal. D. Candlelight, Walter Schwerin – Reports that the project is approved by City Staff and the environmental is out for public review. The net density is 12U/ac. for 475 attached 2-3 story condos and they will provide access for adjacent landlocked parcels. E. Elections – Current and new members of the Planning Group confirmed. 	Item was withdrawn from consideration. A motion was made to support. Seconded and passed with one abstain (C. Falcon). A motion was made to support the proposed plan. Seconded and approved plan. Seconded and approved with one abstain (J. Ayala). A motion was made to support the project. Seconded and approved unanimously
9. Old Business	None.	
10. Adjournment	The meeting was adjourned.	

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Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services Upon request, this information is available in alternative formats for persons with disabilities. Mar 12 12 09:32a cathy

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ATTACHMENT 11

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City/State/Zip: LA JOLLA, CA 92037	City/State/Zip:	
Phone No: Fax No:	Phone No: Fex No:	
(858) 455-5005 (858) 455-5004 Name of Corporate Officer/Partner (type or print): CLEM ABRAMS	Name of Corporate Officer/Partner (type or print):	
Title (type or print): OWNER	Title (type or print):	
Signature : A Data: 3/2/2	Signature : Date:	
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CANDLELIGHT PROPERTIES LLC, OWNERSHIP MEMBERS (3):

Clem Abrams

Crisara Abrams

Clinton Abrams



Looking south down Caliente Avenue towards project site. San Ysidro High School on the right and Vista Del Sur residential development on the left.



Looking north down Caliente Avenue from its current terminus at project entrance. San Ysidro High School on the left.



Looking north down Caliente Avenue from its current terminus at project entrance. Vista Del Sur residential development on the right.



Looking south across site from current terminus of Caliente Avenue. Dirt road to be future extension of Caliente Avenue through project site.



Looking north from the southern project boundary across Residential Lot 1, towards San Ysidro High School.



Looking east from future Caliente Road extension across Residential Lots 2 & 3, existing Vista Del Sur residential development on the left. Open Space Lot 5 would be located just east of the graded area.



Looking west from the southern project boundary across Residential Lot 1 with Open Space Lot 4 located further west.



Looking south from the southern project boundary towards the future Southwest Village Specific Plan project area. Dirt road on the right would contain project's Caliente Avenue extension.

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Appendix

Appendix A: List of City of San Diego Documents Reviewed

Appendix B: Zoning Development Summary

I N T R O D U C T I O N

Chapter 1

A. Applicability and Intent of the Guidelines

The Candlelight Development Guidelines are intended for use by governmental and community agencies to evaluate development proposals for the properties described in the land title of the Candlelight Properties, LLC. The Guidelines are applicable for all five parcels described therein, including two lots designated as preserved open space. All of which are within the Otay Mesa Community Planning Area.

The Guidelines address the site planning, architectural, and landscaping components of development that have an impact on the physical and social fabric of the community. They also address onsite community facilities and safety/security issues. As such, these Guidelines form a standard by which new multi-family housing development proposals will be evaluated.

It is also anticipated that the Candlelight Development Guidelines will be used as an informative reference for the following:

- Property owners and developers
- Building and landscape designers
- Residents of existing properties in the vicinity of new developments
- Members of the community-at-large
- Members of community planning groups

The intent of the Guidelines is not to limit creativity, but to give direction on what the community wants for their multi-family developments. It is anticipated that developments for the Candlelight project area will respond positively to the objectives of this document and that high levels of creativity will be used to achieve the intent of the Guidelines.

B. Regulatory Context

All developments for the Candlelight project area are subject to the requirements of the City of San Diego Land Development Code, the policies of the Otay Mesa Community Plan, and the Santee Investments Otay Mesa Precise Plan. These Guidelines are intended to be used within the existing regulatory controls. The requirements of these Guidelines shall not be used as a substitute for compliance with City of San Diego regulations or requirements.

Appendix A lists the regulatory documents that were reviewed as preparation for these Guidelines and that affect development in the Otay Mesa community.

C. Objectives of the Guidelines

Appropriate design of buildings and outdoor spaces can contribute to a dynamic, visually rich environment that promotes social interaction, fosters community pride, and instills feelings of safety and security.

These Guidelines are intended to achieve the following objectives:

 Establish residential architectural designs that complement the surrounding neighborhood characteristics and that support high quality development.

- Identify landscape materials and designs that enhance the appearance of multi-family housing developments and contribute to the overall quality of the community.
- Provide for amenities appropriate to the demographics of residential developments within an area.
- Apply the principles of Crime Prevention Through Environmental Design (CPTED) to enhance safety and security within multi-family residential developments.

D. Organization of the Guidelines

The Guidelines are organized into the following topics, which address the various components of community development design:

- Site Planning
- Architecture
- Landscaping
- Site Elements
- Safety and Security

E. Terms Used in the Guidelines

Certain terms are used in these Guidelines to indicate guideline priority and the degree of flexibility available to implement a guideline. These terms are explained below:

- "Shall" is the strongest term used. It addresses high-priority items that form the basic framework of the Guidelines, such as safety and perceived density, and is not negotiable.
- "Should" addresses lower priority items and generally refers to guidelines that implement the higher priority items. There is some degree of flexibility in how these guidelines are achieved and whether they are applicable in all situations. Some of these guidelines are "common sense" items that are included only to ensure that they are not forgotten.
- "Encouraged" and "consider" are the least restrictive terms. They are generally used to present ideas or suggestions to successfully achieve the Guideline's intent, but they are not absolute requirements. These guidelines have the greatest degree of flexibility.

B A C K G R O U N D

Chapter 2

A. Location

The Candlelight project area is part of the greater Otay Mesa Community Plan and is identified as Land Use Areas 3 and 5 per the Santee Investments Otay Mesa Precise Plan. The project area is located at the southernmost portion of the city of San Diego, east of Interstate 805 and a couple of miles north of the international border with Mexico.



Vicinity Map

It consists of five lots along Caliente Blvd., south of Airway Road, totaling approximately 41.7 acres. Lots 1, 2 and 3 are designated for medium density housing in the existing RM-2-5 Zone, and Lots 4 and 5 have been identified as permanent natural open space.

Lot 1	340,203 SF	7.81 AC
Lot 2	311,454 SF	7.15 AC
Lot 3	386,377 SF	8.87 AC
Lot 4	686,520 SF	15.76 AC
Lot 5	91,528 SF	2.10 AC
Roads	108,900 SF	2.50 AC
Total	1,924,982 SF	44.19 AC





Candlelight Project Area

Lot 4, the Western Preserve, and Lot 5, the Eastern Preserve, are both dedicated to an Agency approved by the Fish and Wildlife Service. Both the Eastern and Western preserves, due to existing sensitive environmental resources will be required to be protected from the adjacent Lot 1 and Lot 3, respectively, as applicable per the city of San Diego MHPA Land Use Adjacency Guidelines. A maintenance vehicle access easement will be required at the Lot 1 site to connect to existing service maintenance roads. This easement is located at the southwestern end of Lot 1; with a maintenance vehicle access gate located at the end of Public Street A cul-de-sac. The Eastern Preserve, at Lot 5, adjacent to Lot 3, will have a trail that is accessible to the public. A public trail access easement will be required at Lot 3 to provide access to this trail. The public trail access easement is located at the southern and eastern side of Lot 3. Refer to Chapter 9 for additional information and location of these easements.

Currently the neighborhood surrounding the Candlelight project area is not fully developed. San Ysidro High School is the most adjacent development in the vicinity. Caliente Ave. is the main thoroughfare that runs north and south through the project area. Airway Road, just north, alongside the high school, runs east and west. A public street is planned at the south of the project area to connect the easternmost parcel to Caliente Ave.

B. Planning Background

The Candlelight project area encompasses the majority of the area within the boundaries of The Santee Investments Otay Mesa Precise Plan. The Precise Plan was adopted on November 9, 1993, as a requirement of the Otay Mesa Community Plan (April 1981), which indicates that a precise plan must be prepared for each neighborhood prior to the development of specific projects therein. An accompanying Environmental Impact Report was also adopted along with the Precise Plan. The Precise Plan's objective is to provide detailed standards that will implement the concepts of the Community Plan for future developments.

These Guidelines will provide a planning framework for the development of medium density housing for the Candlelight project area. The design recommendations outlined in this document will provide guidance in the following:

- Individual projects to be implemented in a cohesive fashion.
- Create an architectural vocabulary that will enhance the neighborhood and provide standard for design.
- Shape this neighborhood to take advantage of its scenic location and strengthen links to adjacent communities and natural open space.
- Promote pedestrian activities.

C. Land Development Parameter

The current design standards for the Candlelight project area can be defined in quantifiable terms by the local governing land use controls. In general, the following City of San Diego documents outline the subject current design standards:

- Santee Investments Otay Mesa Precise Plan
- Otay Mesa Community Plan
- City of San Diego Land Development Code
- City of San Diego Police Department Guide: Crime Prevention Through Environmental Design

As part of the Precise Plan approval process the following discretionary action shall be required:

- Precise Plan Permit
- Site Development Permit
- Tentative Map

The Candlelight Project Area is zoned RM-2-5 for medium density housing. Refer Appendix B for a summary of the zoning development regulations.

D. Review Process

The Planned Development Permit process, as required by the Precise Plan, for the Otay Mesa Planning Area will govern the review process. In this manner, projects can be evaluated within a defined regulatory manner that not only ensures compatibility with all appropriate City policies and ordinances, but also allows for exceptions that achieve the goals and standards specified by the Specific Plan and these Guidelines.

If a conflict exists between the Land Development Code and the Candlelight Development Manual, a Hearing Officer shall determine which provisions of the Land Development Manual will apply. Such a determination can make the following findings:

- Finding 1. The proposed project is consistent with the outlined land use, architecture and street design goals defined by this Design Guidelines Manual.
- Finding 2. The proposed project is consistent with the goals, objectives and intent of the Otay Mesa Community Plan and The Santee Investments Otay Mesa Precise Plan.

E. Updates and Changes to Public Streets

These Guidelines show the general and possible use of the Candlelight project site. Updates and changes are possible during the processing of the Tentative Map and/or construction documents that may have an effect on the width and alignment of the two public streets. However, the construction documents will substantially conform to the conceptual ideas of these guidelines and will meet all applicable City requirements. For example, the density ranges, and overall feel of the development will remain consistent with the design guidelines.

An Irrevocable Offer of Dedication (IOD) of an additional 11' on the west side of Caliente Avenue may be granted to the City of San Diego. If granted, this would be a condition of approval of the Tentative Map and would be shown on future construction documents. This IOD may be requested by the Transportation Department if it is decided there is a need to reserve and set aside an additional traffic lane for the future widening of Caliente Avenue. If an IOD is requested, the owner of Lot 1 will maintain this 11' strip of land with landscaping in a manner acceptable to the City until street widening occurs.

Additionally, slight street alignment changes may be necessary to accommodate changes requested by the City and/or made by future owners on either Public Street "A" or Caliente Avenue. The City will approve any changes made during review of the construction documents. The goal of these guidelines is to develop an aesthetically pleasing and acceptable work product while maintaining enough flexibility of design to react to current market needs.

SITE PLANNING

Chapter 3

A. Intent

Site planning arranges building masses, open space, parking, and circulation to create site design that is orderly, visually pleasing, and contributes both to the surrounding area and the development itself. These site planning guidelines promote neighborhood compatibility, integration with the surrounding community, opportunity for social interaction, and a safe, comfortable, and interesting environment for residents.

Developers are strongly encouraged to become familiar with the surrounding community. Appropriate site planning should take account of links to surrounding neighborhood amenities.

B. Context

Residential development can successfully contribute to the overall community when relationships with the existing and planned land uses, development patterns, and context are considered.

- 1. All new development should respect the context of the existing neighborhood, reflect its best design features, and generally be compatible with the character of existing high quality development while still fulfilling the intent of these Guidelines.
- 2. Existing site amenities such as views, street trees, traditional building orientation and similar features unique to the site should be preserved and incorporated into developments whenever possible.

- 3. New development should be compatible with existing development in the immediate area through the use of complementary building arrangements, buffers, and appropriate building scale and avoid visual obstructions.
- 4. Where appropriate, new landscaping should complement existing landscape materials, location, and massing on adjacent developments.



Buildings sited along public street.

5. Developments should relate directly to the adjacent street, present an attractive and interesting facade to passersby, and appear inviting. Developments that ignore the street and create an isolated enclave are strongly discouraged.

- 6. Entries to the sites should combine monument signage, landscaping and lighting to present an attractive introduction to the development.
- 7. Pedestrian connections to the street should also be provided.

C. Building Siting and Massing

Appropriate building siting can reduce the perceived density of developments, maximize open space areas, provide "eyes on the street" surveillance, and enhance neighborliness by creating community gathering spaces.

 The siting of buildings should consider the existing natural context. Developments should generally be oriented to take advantage of views. Building facades should incorporate variation to provide visual interest and shadow patterns.



Buildings are configured to form a centralized open space area for passive & active recreation

2. The clustering of multi-family units should be a consistent site-planning element. Whenever possible, buildings shall be configured around internal courtyards, gathering areas, and open spaces.

- 3. Portions of the development that are not oriented to the street or natural vistas shall be well integrated into the project's overall site design. As with the street-oriented area of the development, the same design considerations shall be given to siting, appearance, circulation, landscaping, and safety issues.
- 4. Buildings should be oriented to provide some privacy yet still relate to the public areas. Doors shall be visible from the public areas and windows should allow residents to have "eyes on the street" for natural surveillance.
- 5. Energy efficiency and energy conservation should be considered in building siting. Buildings should be oriented to take advantage of prevailing breezes for cross ventilation of individual dwelling units, reduce the need for mechanical air conditioning, and to enhance the functionality of ceiling fans. Where City standards for noise levels don't allow windows to be open, the use of 'summer switch' for fresh air intake is encouraged with forced air circulation systems.
- 6. Where public transit is located near the development, site design shall provide convenient access, enhanced sidewalks, shaded and weather protected public transit stops.

D. Open Space

Common open space provides opportunities for casual social interaction and recreation, and it reduces the perceived density of the development. Private open space serves as an outdoor room for residents and a protected play area for children. Refer to Appendix B for common and private open space zoning requirements.


Centralized open space provides convenient access for many units

- 1. Residential developments shall have access to useable open space for recreation and social activities. Open spaces should be conveniently located for the majority of units.
- 2. Primary residential open space areas should be sheltered from the noise and traffic of adjacent streets or other incompatible uses. Open space siting should take advantage of prevailing breezes and sun orientation in order to provide a comfortable environment.



Large and small open spaces are connected.

3. A series of connected open space areas of varying shape, appearance and usage are encouraged. Smaller areas may directly relate to a cluster of units, while the larger areas may serve several clusters as common open space.

- 4. Protected natural open space occurs about the easterly and westerly perimeter of the Candlelight development area, at Lot 1, The Western Preserve, and Lot 5, the Eastern Preserve. The interface between the residential and natural open space should be particularly treated to emphasize views, provide a transition between the two areas, and protect the natural biological resources within the preserves as required by the MHPA Land Use Adjacency Guidelines. Fencing, signage and gates shall be incorporated to for protection of the natural open space and its sensitive environmental resources. Refer to Section F. Access to the Preserves for additional information.
- 5. Private open space (such as patios or balconies) that is visible from the street and can be entered from inside the dwelling is strongly encouraged for all units.



Private balcony with access from unit.

- 6. Boundaries between private and common open spaces should be clearly defined by elements such as enhanced hardscape, stoops/steps, awnings, low walls or plant materials.
- 7. Buildings should be sited and designed so that windows of residential units do not overlook private open spaces likely to be used for private activities.

- 8. Private open space shall be contiguous to the units it serves and shall overlook the public right-of-way or common open space.
- 9. To minimize the outdoor clutter that can accumulate in private open space areas, private storage space for strollers, bicycles, etc., shall be provided for each dwelling unit. Its location should be either inside the unit, or outside and immediately adjacent to the unit.

E. Outdoor Play Areas

Onsite outdoor play areas can provide children with a safe and interesting environment, and allow parents to easily supervise play activities. Children, especially those in the five- to twelve-years old age group, tend to play throughout the entire grounds of a development, not just in designated play areas. Therefore, their needs, as well as maintenance requirements, should be important design considerations.



Units with views and convenient access to the play area.

- 1. Children's play areas shall be visible from as many units as possible and from private open space areas. Direct access from ground level, private open space to the communal play area is encouraged.
- 2. Outdoor play areas shall be located adjacent to common building facilities, such as the laundry room or community center. Play areas shall not be located near public streets, parking, or entry areas unless physically separated by appropriate barriers such as walls, fencing, or dense landscaping.
- 3. Hard surface areas for activities such as bicycle riding, skating, rope jumping and hopscotch should be provided. These active play areas shall be safely separated from vehicular use areas.
- 4. Seating areas should be provided where adults can supervise children's play and also where school-age children can sit. Seating location should consider comfort factors such as sun orientation, shade, and wind.



Seating adjacent to play areas.

5. The physical capabilities and play behavior of various age groups, such as tots, older children and teens, are different. In large developments, separate, but not necessarily segregated, play areas or informal outdoor spaces should be provided for each group for safety reasons.

Small developments may combine these play areas, such as a tot lot incorporated into the larger activity area for older children.

F. Trails and Access Easements

The designated trail located within the Eastern Preserve, Lot 5, shall be at grade and follow the existing dirt roads. The trail will have a bare ground surface. No decomposed granite, asphalt, or other material will be used on the trail. The trail will be a maximum of 4 feet in width, per City of San Diego MSCP Subarea Plan, Section 1.5.2, MHPA Trail Guidelines. Both sides of the trail will be fenced along its entre length within the Eastern Preserve. The fence will be a natural wood, unpainted split rail (or similar) design that will clearly demarcate the trail limits, provide a rustic/natural appearance, and allow for wildlife movement. Fence materials that could inhibit wildlife movement (e.g. chain link and barbed wire) will not be used.

A public trail access easement is provided at the southern portion of Lot 3. The easement allows for public access to the existing trail system at the Eastern Preserve, Lot 5. The public trail access is shared with the possible 20-foot emergency fire vehicle access road. Staff recommends the provision of a gate meeting the emergency vehicle requirements as well as pedestrian accessibility requirements to be located at the west end of the public access trail easement, near the Public Street A cul-de-sac. The gates are required to prevent offroad vehicles and motorcycles from accessing the trails.

At the east end of the public trail access easement, where it turns north, staff requires step-overs be provided on the north and south side of the trail to prevent motorcycle access.

At the Western Preserve, Lot 4, a maintenance access easement is provided at the southwest corner of Lot 1. The easement allows for city maintenance vehicle access to the adjacent natural preserve. City staff recommends the provision of a 12-foot wide gate to be located just west of the Private Street A cul-de-sac to deter public vehicular, bicycle and pedestrian access from the preserve.

All easement roads, trail and pathway improvements shall be provided by the Owner or permittee of the development project.

Both the Western and Eastern Preserves, Lots 4 and 5, respectively, will be given in a fee title to a Conservation Agency approved by the City of San Diego. The following is a list of four potential Conservation Agencies that may be used:

- 1. Riverside Conservancy
- 2. San Diego Habitat Conservancy
- 3. Center for Natural Lands Management
- 4. J. Whalen Associates, Inc.

These Preserves will be managed and preserved per the Habitat Management Plan (HMP) associated and approved for this project.

G. Parking/Vehicular Circulation

Safe and efficient circulation and parking arrangements shall take into consideration the needs of pedestrians, children at play, parking lot appearance, and prevention of car theft or damage. Adequate parking shall be provided in accordance to the prevailing City of San Diego parking ordinances for off-street parking.

- 1. All drive aisles and parking spaces shall meet Land Development Code requirements at the time of building permit approval.
- 2. Parking areas should be located in the development's interior and not along street frontages, wherever possible.
- 3. Parking garages and carports should be located as to not disrupt the streetscape. Parking shall be screened from the street with residential units, fencing or landscaping. Parking elements should not obstruct natural surveillance. Natural surveillance and visibility should be considered in areas where parking is tucked under the building.

- 4. Garage elements exposed to the surrounding streets shall be minimal and articulated with fenestrations complementing the traditional building facades. Areas should be provided around garages and tuck-under parking entrances for landscaping.
- 5. Parking, garages, and accessory structures shall be designed as an integral part of the development's architecture. They shall be similar in material, color, and detail to the main buildings of the development
- 6. Parking courts shall be well designed, with consideration given to landscaping, lighting, building massing, and pedestrian/vehicular circulation. Vehicle speeds should be controlled by appropriate signage, changes in roadway texture, and speed bumps, if necessary.
- 7. Visitor parking should be clearly identified and distributed throughout the development to provide convenient access to groups of dwellings. Required disabled parking should be located adjacent to community facilities and designated disabled-accessible units.



Parking located in development's interior.

8. As parking is calculated for a shared parking lot based upon the number of bedrooms, parking spaces shall not be assigned.

9. Landscaping in parking areas shall be protected from vehicular and pedestrian damage by means of raised planting surfaces or curbs.

H. Pedestrian Circulation

Pedestrian circulation shall provide safe, efficient access to neighborhood amenities, community facilities and residential units. This guideline encourages opportunities for casual social encounters, and allows natural surveillance by community members.

- 1. Where appropriate, developments should incorporate safe pedestrian connections to adjoining residential uses, public open spaces, and other compatible land uses.
- 2. Pedestrian access to adjacent existing or planned open space areas and corridors should be provided for the development's residents as required by the Specific Plan.
- Cross circulation between vehicles and pedestrians shall be minimized. A continuous, clearly marked walkway shall be provided from the parking areas to main entrances of buildings. Walkways shall be provided between residences, parking areas, and all site facilities for safe access.
- 4. Access to dwelling units that combines vehicle and pedestrian uses should be avoided, as this allows no room to personalize the front entry.
- 5. Walkways should be designed to encourage resident usage and minimize maintenance. To encourage social interaction, circulation shall be designed so pedestrians will walk through communal landscaped areas en route to parking, laundry, and other facilities.
- 6. Adequate lighting levels shall be provided along all walkways.

7. Site access and walkways shall be accessible to disabled persons in conformance with the Americans with Disability Act (ADA), the housing accessibility standards of the California Building Code and the Fair Housing Accessibility Guidelines.

I. Access to Residential Units

Access to dwellings can provide a unique identity for the individual unit, allow opportunities for social interaction, increase natural surveillance through porch sitting activities, and reinforce territoriality through the use of physical barriers and psychological reinforcement.

- 1. The main entry to each dwelling unit shall be clearly visible from the nearest public circulation walkway. A porch, covered stoop, or similar entry feature shall be provided at each unit's front entry.
- 2. Each individual ground level unit should have its own private walkway to the front door.



Residential unit with an identifiable entrance.

- 3. A building's stairwell, and elevator if provided, should be centrally located to the units served and should be visible from as many units as possible. For increased security and surveillance, stairwells shall be open through the use of exterior stairs or "held-back magnetic" fire doors in interior stairs.
- 4. Ground floor units and units served by elevators shall be accessible to physically disabled persons per the requirements of the Americans with Disability Act (ADA), the housing accessibility standards of the California Building Code and the Fair Housing Accessibility Guidelines.
- 5. Interior corridor-access buildings shall use recessed entries stepped back from the corridor wall when possible. Recessed entries shall be visible from the corridor and not create areas that would be considered unsafe. Access to interior corridor-access buildings, when used, shall be limited to two main entry points for security reasons. Building codes may require additional exit points; these shall be for emergency use only.
- 6. Walkways and access to dwelling units should be designed to facilitate the moving of furniture by considering minimum widths, heights, and turning angles.

A R C H I T E C T U R E

Chapter 4

A. Intent

The architectural guidelines address the overall external appearance of the development, including building forms, details, and proportions. It is not intended that these guidelines designate one architectural style or a specific design character. There are various architectural styles that can be drawn upon to create a unique sense of place. The primary focus should be to construct a high quality residential environment within the context of the existing community. Quality development is further encouraged through a sustainable design approach.

Proposed developments are encouraged to provide a sustainable design approach to site planning and building design. Sustainable design practices that reduce long- and short-term energy consumption and costs, conserve natural resources, increase user comfort, and reduce waste and pollution are important concepts that should be considered.

Sustainable technologies and methods address materials durability, use of alternative materials, buildings that conserve natural resources, reduced energy usage for appliances and heating/cooling systems, waste disposal and recycling, and contribute to an environmentally-efficient development.

B. Overall Character

To create a unified appearance, all buildings in the development, such as support facilities, residential elements, and garages, shall be compatible in architectural design with the rest of the development.



Mailbox kiosk designed to reflect building character.

C. Building Scale and Height

- Buildings may incorporate smaller-scale architectural forms such as bays, recessed or projecting balconies, and dormers to visually reduce the height and scale of the building and emphasize the definition of each building use. Architectural elements such as bay windows, porches, projecting eaves, awnings, and similar elements that add visual interest to the development are strongly encouraged.
- 2. Varied building heights are encouraged, both to provide visual interest and give the appearance of a collection of smaller structures. Building heights at the development's edge should be considered within the context of the project's surroundings, the adjacent uses, and the distance from adjacent buildings. The development's building height should create a transition from the heights of the adjacent residential neighborhood, rather than form abrupt height changes.



Varying building heights and roof awnings add visual interest.

D. Facade Modulation

- 1. Facades that lack human scale dimensions and have large expanses of flat wall planes shall be avoided. Architectural treatments, such as recessed windows, façade breaks and individualize entries shall be used to add visual interest to the facade.
- 2. Building offsets are required by City of San Diego regulations; however, where it would enhance the overall development, building designers are encouraged to use other creative design solutions, such as color contrast and smaller offsets, to meet the intent of the building offset regulations.
- 3. Building facades that enclose stairwells should include windows to reduce the visual bulk of the stairwell and enhance safety. Building facades enclosing elevator shafts should use architectural treatments to reduce the visual mass.

E. Building Entries

- 1. Residential entries shall have a strong relationship with a fronting street, internal walkway, or courtyard, as appropriate to the overall siting concept. A transitional area from the public space or walkway to the private dwelling unit entry, such as a porch stoop, steps, or landscaped walkway, shall be provided.
- 2. Each dwelling unit's entry shall be emphasized and differentiated through architectural elements such as porches, stoops, or roof canopies, and detailing such as paint color, trim, materials, or awnings. Providing ground level space should provide opportunities for residents to personalize their entry or a wide ledge for potted plants.



Building façade modulation.

3. Courtyard doors or gates used at building entries shall be attractively designed as an important architectural feature of the building or development.



Distinct unit entries.

F. Stairs

- 1. Where appropriate for the architectural style, the stairway design shall be open to allow views for natural surveillance.
- 2. Where prefabricated metal stairs are used, additional design features such as screen walls, enhanced railings, or accent colors should be used to enhance their appearance. The additional design features shall be consistent with the overall building design.

G. Building Materials

- 1. The development's buildings, community facilities, and parking structures shall be unified by a consistent use of building materials, textures, and colors. Exterior columns or supports for site elements, such as trellises and porches, shall utilize materials and colors that are compatible with the rest of the development.
- 2. Building materials shall be durable, require low maintenance, and be of comparable quality and image to what is used in the surrounding regional area. Frequent changes in building materials should be avoided.

H. Roofs

1. The use of flat roofs is acceptable. New

developments are encouraged to provide varied parapet lines with detailing complementing the surrounding structures.

- 2. Roof pitches and materials should consider the prevailing roof types in the neighborhood, including hipped or gabled roofs, and mansard roofs.
- 3. Rooflines shall be broken up and varied within the overall horizontal plane. Combinations of roof heights that create variation and visual interest are encouraged.



Enhanced stair elevation.

I. Color

1. Color should be used as an important design element in the development's appearance. The predominant colors for the buildings and accessory structures should be natural and varied tones. Appropriate use of more than one predominant paint color is encouraged. Compatible accent colors are encouraged to enhance important building elements.



The use of building colors can enhance facades.

- 2. The color of shadow patterns, relief, decorative trim, and wood frames should be distinctive yet compatible with the overall building color. Bright or intense colors should be reserved for significant architectural massing, refined detailing such as grillwork, or more transient features such as awnings.
- 3. Materials such as brick, stone, copper, etc. should be left in their natural colors. Such materials should not appear thin and artificial. Veneer should turn corners and avoid exposed edges.



Veneer materials should turn corners and avoid exposed edges

J. Mechanical Equipment and Vents

- 1. Roof-mounted mechanical equipment visible from buildings or a public street shall be screened in a manner consistent with the appearance of the building, including materials and color.
- 2. Mechanical equipment on the ground shall be screened from view. Utility meters and equipment should be placed in locations that are not exposed to view from the street or they should be suitably screened, including the use of landscape materials. Screening devices should be compatible with the architecture and color of the adjacent buildings.
- 3. Roof flashing and vents exposed to public view should be painted to match adjacent surfaces or concealed in a manner consistent with the building's appearance.

L A N D S C A P I N G

Chapter 5

A. Intent

The landscaping guidelines are intended to address the appearance and functionality of the landscaping within the development. A specific plant palette is not provided as there are many different combinations of plants and landscape materials that can contribute to and shape a quality residential The goal of the guidelines is to environment. provide a framework from which this quality residential environment can develop; one that is both aesthetically pleasing to both residents and neighbors alike, but one that is also responsible and responsive to the surrounding environment and neighborhood as a whole. An attractive, wellfunctioning, and well-maintained landscape is critical user satisfaction and overall project success.

Developers are strongly encouraged to become familiar with the surrounding neighborhoods and contextual factors unique to the site that will influence landscape design. The development's budget should provide for a quality landscape design and the appropriate plant materials and plant sizes so that the landscaping can fully develop within a reasonable amount of time. Specific standards for the amount of landscaping to be provided are contained in the Landscape Regulations Section of City of San Diego's Land Development Code and in the Landscape Architectural Guidelines of the Santee Investments Otay Mesa Specific Plan.

B. Use of Landscaping

- 1. Landscape design and selection of plant materials are used to create a visually pleasing environment for both residents and neighbors.
- 2. Landscaping can serve as a unifying element within a development while also creating a unique identity. It can also serve to connect (both visually and physically) the development to surrounding communities and natural environments.
- 3. Plant materials can soften the visual impact of architecture and other site elements such as walls, fences, and paving.
- 4. Landscape design and selection of plant materials can screen undesirable views and promote/highlight desirable views.
- 5. Landscaping can enhance the usable attributes and livability of a space. Thoughtful use of plant materials can provide shelter, shade, or privacy and can serve to reduce the negative impacts of certain environmental factors such as sun and wind.



Landscaping used to create enjoyable outdoor spaces for resident use.

C. Landscape Design

- 1. Plant selections should be used so as to provide a unifying theme throughout the development, while also allowing for unique plantings at key project elements. The use of plant materials to highlight key areas, such as courtyards or plazas, is encouraged.
- 2. Planting design should utilize a combination of trees, shrubs, and groundcovers for visual interest. Large, organic groupings of plants are encouraged, although massive expanses of 'monoculture' plantings should be avoided.
- 3. The use of canopy trees at outdoor seating areas for shade is encouraged.
- 4. Turf grass should be concentrated in areas intended for resident recreation only.
- 5. The use of shrubs and vines to help minimize vandalism and soften the visual impact of perimeter walls and fences is strongly encouraged. Vines on buildings or other landscape elements (such as trellis structures) are also encouraged.
- 6. The use of different plant materials to highlight the transition from public space to private at walkways leading to private dwelling units is encouraged.
- 7. Plantings should work cohesively with the building architecture. Utilize plants to help soften building edges as well as highlight unique architectural features.
- 8. Plant selections shall be made so as to create visual interest year-round. Selections should not be based on flower colors alone. Thoughtful use and juxtaposition of varying foliage colors and textures is strongly encouraged.

- 9. A thoughtful combination of evergreen and deciduous trees should be utilized.
- 10. Bark mulch shall be required at all planted areas. The use of natural bark mulch over artificially colored mulch material is strongly encouraged.
- 11. Careful consideration to the mature size of trees and shrubs should be taken. The spacing of plants from buildings, utilities (above and below grade), other plants, and other landscape or hardscape elements should be based on these considerations.



Landscaping used to define space and circulation



Natural massing and varied use of plant texture create year-round visual interest.

- 12. Landscape materials should be used to help screen mechanical equipment so that it is not exposed to view from the street or major walkways within the development.
- 13. Landscaping such as vines or shrubs should be used to screen trash enclosures to minimize visual exposure from adjacent dwelling units, nearby streets, or major walkways within the development.
- 14. Trees and shrubs should not be planted so as to screen or block desirable off-site views.
- 15. Careful consideration should be taken so that plant location and spacing does not create safety issues within the development. Security linesof-sight should be maintained through careful placement of shrubs. Trees should be located so as not to negatively impact the ability of project lighting to reach minimum safety levels.
- 16. Where project is adjacent to natural open space areas, plant selections should be native and compatible with the existing native vegetation.
- 17. Where site conditions do not allow low walls or fencing to provide a barrier between children's play areas and vehicular areas, provide a dense planting barrier instead.



Landscaping used to identify and highlight architectural elements and entry points.

- 18. Accent planting should be used at project entry points so as to facilitate the recognition of vehicular use patterns and circulation.
- 19. Trees should be located so as to provide passive solar control of south and west-facing buildings, although special consideration should be given if the development utilizes photovoltaic systems.

D. Hardscape Materials

1. Hardscape materials used for paving, walls, fencing, and other landscape elements shall be consistent with the architectural design or style of the development.



Enhanced hardscape finishes at key areas.

- 2. Where circulation paths join with those of adjacent developments, finishes should be selected so as to create smooth visual transitions.
- 3. Enhanced paving materials are strongly encouraged to help define key areas such as project entry points and courtyards/plazas. Enhanced paving materials would include unit pavers, colored concrete, or textured concrete.
- 4. Creative use of alternate landscape materials, such as landscape boulders and decorative cobbles, are encouraged.

E. Plant Materials

- 1. Plant selections should be compatible with the climatic and soil conditions of the site.
- 2. The use of native and drought-tolerant plants is strongly encouraged.
- 3. Invasive plants shall not be allowed. Plants identified as invasive by the California Invasive Plant Council (Cal-IPC) shall not be included on any proposed plant palette within the development.
- 4. Plants requiring frequent shearing should be minimized.
- 5. Plants known to have invasive or destructive root structures should be avoided or located appropriate distances away from structures and other hardscape elements. Root barriers shall be installed adjacent to all hardscape elements located within 5'-0" of any tree.
- 6. Plants should be installed at the appropriate container size. Container sizes shall meet minimum requirements as outlined in the Landscape Regulations Section of City of San Diego's Land Development Code, although the use of larger container sizes are encouraged.

F. Landscape Irrigation

- 1. Irrigation systems shall provide uniform water coverage so as to encourage healthy plant growth. Application rate shall be suitable to specific site and soil conditions. Excessive soil saturation and surface run-off shall not be allowed.
- 2. Irrigation systems shall be permanent and belowground. Backflow prevention devices shall be utilized on all potable water systems.

- 3. The use of recycled or reclaimed water is encouraged, where available.
- 4. Irrigation systems shall be automatic with central controls and a rain-sensing shut-off device. Only 'smart' or ET-based controllers shall be utilized.
- 5. The use of irrigation application methods with low precipitation rates, such as drip irrigation or low-volume 'rotator'-type sprinkler heads is strongly encouraged.
- 6. Pop-up sprinkler bodies shall be utilized in areas adjacent to pedestrian and vehicular circulation areas (walkways, driveways, parking areas, curbs, etc.).

G. Fire Protection and Brush Management

- Careful consideration of plant species, spacing, and layout shall be taken so as to provide a 'defensible space' where developments occur adjacent to sloped, naturally vegetated areas. Such developments shall comply with the regulations and restrictions put forth by the City of San Diego Brush Management Program. A Brush Management Plan shall be provided as part of this program.
- 2. Only plants known to have fire-resistant qualities shall be utilized within the fuel management zones, although extra consideration should be given to native plants over other ornamentals. All invasive plants shall be avoided.

H. Vehicular Area Landscaping

- 1. Landscape islands should be utilized to break up large expanses of parking stalls.
- 2. Trees should be placed within parking islands and adjacent landscape areas to provide shading

of paved areas. Location and spacing of trees shall meet the requirements put forward in the Landscape Regulations Section of City of San Diego's Land Development Code.

- 3. In vehicular motor court areas, pockets of planting should be introduced to help soften the visual dominance of garages and paving. Vertical shrubs or combination of low plant and climbing vines between garage doors or tuck-under parking spaces are encouraged.
- 4. Parkway plantings within streetscape and rightof-way areas shall be consistent with adjacent developments.



Plant material introduced into parking bay areas.

SITEELEMENTS

Chapter 6

A. Intent

This chapter addresses miscellaneous site design elements, such as site furniture, trash and storage areas, mailboxes, and signage that contribute to the comfort and convenience visitors and tenants' daily activities. The following guidelines encourage use of miscellaneous site elements that reinforce safety concepts, increase opportunities for social interaction, reduce maintenance, and consider environmental factors.

B. Site Perimeter Elements

- 1. Street fronting elements, such as, hardscape, walls and planting shall integrate 'seamlessly' into the development's architecture. Walls and fencing, when required, shall appear as architectural façade elements instead of freestanding and detached fencing. Similar building finishes shall be incorporated into walls and fencing.
- 2. Wall design and selection of materials shall consider long-term maintenance issues, security, and compatibility with the neighborhood and project design. Similar building finishes shall be incorporated into walls and fencing.
- 3. Individual dwelling unit patios, balconies and walls visible from the development's open space or street side should be no higher than 42 inches for security reasons. To increase privacy and reduce exposure of unsightly use of patios and balconies, it is encouraged that the privacy walls be solid or semi-solid.



Private patio with solid screen wall.

C. Site Furniture

- 1. The design, selection and placement of all site furnishings such as tables, benches, bollards, and trash receptacles shall be compatible with the overall site design and architectural character of the development.
- 2. Seating opportunities should be provided in both sunny and shaded areas. Seating in areas that offer opportunities for social interaction and informal surveillance, such as a bench in a pocket park, near the communal mail box area or benches near tot lot areas and laundry rooms, are strongly encouraged. A variety of sitting area designs, from formal arrangements such as benches, to informal arrangements such as low walls or steps, are encouraged. In general benches should be located in areas that have some provision for shade.



Seating at play area.

- 3. A drinking fountain located near each children's play area is encouraged. Drinking fountains should be "high/low" to accommodate various age groups and disabled persons.
- 4. Litter receptacles should be located in or adjacent to high use areas such as pocket parks, community facilities, play areas, and laundry rooms.



Tables and benches at BBQ areas.

D. Trash and Storage Areas

1. Trash and recycling enclosures shall be evenly distributed on site for easy access by users and

refuse collection services. They should be well screened with landscaping and designed to protect adjacent uses from noise and odors. A clear and safe pedestrian route shall be established to each trash area.

2. Waste and recycling size and distribution shall meet the requirements of the approved Waste Management Study for the Candlelight Project Area.



Trash and recycling enclosure designed to reflect building character.

- 3. Trash enclosures shall be constructed from solid materials. All trash enclosures should be enclosed or covered with a trellis or similar structure. Architectural screening elements should be constructed of the same materials and finishes as adjacent buildings, and the color should also be compatible with the adjacent buildings. Gates should be of a solid material and painted to match the architectural screening elements on nearby fences and walls.
- 4. Trash receptacles should be accessible for trash collection but should not block circulation drives near loading areas or conflict with parking. For security reasons, trash enclosure locations should not create blind spots or hiding areas.

E. Mailboxes

- Mailboxes shall be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety. In residential developments a bench or seating area in close proximity to the mailbox location is strongly encouraged, and a trash receptacle shall be located adjacent to the mailboxes.
- 2. Incorporation of design features, such as a built frame consistent with the development's architectural style, is encouraged.

F. Signage

- 1. Signage contributes to the development's identity as a unique environment. Professionally designed, creative signage is strongly encouraged, especially for internal directions and building identification.
- 2. Clear, legible entry signage shall be provided to identify the development. Internal circulation signage and visitor parking areas should also be clearly indicated. A directory that shows the location of buildings and individual dwelling units within the development is encouraged.



Visible numbers help visitors locate buildings.

- 3. Building numbers and individual unit numbers shall be readily visible, in a consistent location, well lit at night, and compatible with the overall design of the development.
- 4. Clear, legible signage related to preserve areas and trails shall be provided.

G. Lighting

- 1. Lighting levels will vary depending on the specific use and conditions, but the overall consideration shall be to provide lighting levels sufficient that intruders cannot lurk in shadows, that steps and other grade changes are apparent, to enable residents to easily unlock their door or identify visitors on their doorstep, and to reduce theft and vandalism.
- 2. Street lighting should be installed along the street, public areas and internal circulation drives. Lighting should be designed to shine downward and eliminate skyward glare as required by the County Dark Sky Ordinance. Light standards shall be residential/pedestrian in scale and be spaced appropriately for the fixture, type of illumination and pole height.
- 3. Lighting in parking areas shall be arranged to prevent direct glare into adjacent dwelling units, onto neighboring uses/properties, and preserve areas at Lots 4 and 5.
- 4. Pedestrian-scaled lighting shall be located along all walkways within the development. Bollards should not be used as they are subject to vandalism, whereas 12-foot high light standards discourage vandalism. Site lighting may be located on buildings to illuminate site areas not covered by individual light standards. Whenever possible, install lighting high enough on the building to prevent vandalism.

SAFETY AND SECURITY

Chapter 7

A. Intent

A community has a basic right to feel safe and secure in their homes and businesses. The following guidelines promote the use of site planning, landscaping, community involvement, and physical and psychological barriers to create a safe environment and to prevent crime and vandalism. The principles of Crime Prevention Through Environmental Design (CPTED) are used The lighting guidelines are less extensively. detailed, and recognize that specific illumination levels are dependent on the individual site characteristics.

B. Crime Prevention Through Environmental Design (CPTED)

- 1. The following CPTED strategies should be incorporated into the design of developments, whenever possible.
 - a. Use the concept of natural surveillance, or "eyes on the street," by promoting features that maximize the visibility of people, parking, and building entrances.
 - b. Use the concept of territorial reinforcement by promoting features such as landscape plantings, paving designs, and gateway treatments that define property lines and distinguish private space from public space.

- c. Use the concept of natural access control by designing streets, walkways, building entrances, and development entries to clearly indicate public routes and to discourage access to private areas.
- d. Use the concept of target hardening by promoting features that reduce "penetrability" and prevent entry or access to dwelling units.

C. Opportunities for Surveillance

1. Windows and entries shall be placed to maximize natural surveillance of the site. Sight lines from residences to the parking area should be provided.



Public pathways, balconies and private space windows overlooking parking areas.

 Open spaces, courtyards, circulation corridors, and individual entrances should be designed to be visible from as many areas as possible. Enclosure of private open space should not prevent common open space surveillance by tenants.



Security is enhanced with natural surveillance by individuals from common space.

- 3. The residential management office should be located in a central, visible location, and community meeting rooms and other amenities should also be located close to other heavily used areas.
- 4. Residential laundry rooms should be located adjacent to the children's play area to facilitate supervision. Doors and walls shall have windows to allow natural surveillance both into the laundry room and outside to the surrounding area.

D. Hierarchy of Space

1. Development design should use a "hierarchy of space" to define territory for public space, community space (common open space, play areas, communal laundry, community center, etc.), and private space (individual units and private open space.) The use of design elements to define the public/private edge, such as special paving, change in building materials, and grade separations, or physical barriers such as landscaping, planters, fences, walls, screens, or building enclosures, are encouraged.

2. Building entrances and individual dwelling unit entries should be accentuated by architectural elements, lighting, and/or landscaping to further emphasize their private nature.



Distinct unit entries aid to emphasize privacy.

E. Penetrability

1. Doors to community facilities should contain some transparency and be key-controlled. Courtyard gates and shared building entrances that access individual units should automatically lock when closed.



A hierarchy of space is achieved through landscaping and use of screen walls to distinguish the public open space from the private patios.

2. All front doors in residential units shall have a peephole or other feature to allow residents to see who is at the door before opening it. To prevent break-ins, doorknobs shall be 40 inches from any windowpane. Door hinges shall be located on the interior side of the door to prevent unauthorized removal. Single cylinder dead bolt locks shall be installed on the exterior doors of all individual dwelling units. Sliding glass doors shall have one permanent door on the outside and the inside moving door shall have a locking device and a pin.

F. Lighting

1. Lighting levels will vary depending on the specific use and conditions, but the overall consideration shall be to provide lighting levels sufficient that intruders cannot lurk in shadows, that steps and other grade changes are apparent, to enable residents to easily unlock their door or identify visitors on their doorstep, and to reduce theft and vandalism.

G. Landscaping

1. The use of dense plantings to establish a barrier adjacent to ground level units is encouraged. Where appropriate, the use of thorny plants as barrier plantings is encouraged. Mature shrubs located adjacent to buildings should generally be lower than the bottom of windows to maintain open sight lines.



Barrier planting in front of dwelling unit windows provides privacy from public areas.

SUSTAINABILITY

Chapter 8

A. Intent

Diminishing natural resources, pollution, and the ever-increasing costs associated with the production of energy has made it imperative to create environmentally responsible developments. In response to this scenario the State has adopted the California Green Building Standards Code. The code includes specific Residential Mandatory Measures that must be incorporated into the design, construction and operations of a development.

Developments must also comply with the minimum state energy conservation standards as indicated per Title 24, and the recommendations from the Precise Plan. Drainage and Management of storm water shall adhere to the requirements of the City's Storm Water Standards Manual and the Green Building Code during construction and after development. Landscaping shall be designed per the guidelines and regulations of the City's Landscape Standards.

The following guidelines should be considered when implementing sustainable building features.

B. Energy Conservation

- 1. Window location, the use of skylights, light wells or interior courts can help take advantage of passive solar energy.
- 2. Energy efficiency can be achieved with the use of energy efficient light fixtures and Energy Star appliances.
- 3. Appropriate building colors can help reduce heat gain.
- 4. A cool roof and radiant barrier may be selected to reduce solar roof loads.

- 5. The use of roof overhangs or canopies to shade windows also helps reduce heat gain.
- 6. Buildings can be designed and situated on the site to encourage natural ventilation and solar exposure.
- 7. The use of solar thermal and photovoltaic panels may offer a source of energy to offset user costs. If such panels are used screening can be achieved with appropriate parapet heights, screen walls, roof wells or strategic roof placement.

C. Water Efficiency & Conservation

- 1. Low-flow plumbing fixtures and low water use appliances are can be incorporated to aid in water conservation.
- 2. The use of drought-tolerant and native landscaping shall be incorporated per the requirements of the City's Landscaping Standards. These standards provide a list of appropriate plant material selection.
- 3. If the use of graywater is incorporated, it must follow the extensive rules and regulations of the State of California Department of Health Services.

D. Material Conservation and Resource Efficiency

1. Development shall meet the specific requirements for recycling and waste management per the Green Building Code.

E. Green Building Resources

- 1. LEED (Leadership in Energy & Environmental Design) Green Building Rating System
- 2. GreenPoint Rated verification system
- 3. Build It Green Green Building Guidelines

CONCEPTUAL SITE PLANS

Chapter 9

A. Intent

As indicated in Chapter 2, Lots 1, 2 and 3 of the Candlelight Project Area are designated for medium density housing. The following sample site plans depict three possible conceptual site designs that adhere to the applicable development standards as previously described by these Guidelines.

The development standards allow a density range between 15 and 30 dwelling units per acre. Refer to Appendix B for a zoning development summary. The site designs employ varying residential product types to demonstrate the possible densities that can be achieved. The site designs also include storm water management areas as required by the City's Storm Water Standards.

Let it be noted that these are conceptual site designs only. Architectural product type and site designs are not intended to be specific to any particular site. Developers are at freedom to develop the lot of their preference with any particular product type, provided that the final site plan adheres to the requirements of all the applicable developments standards.

B. Lot 1

Lot 1 is located on the west side of Caliente Avenue, and is adjacent to Lot 4, the Western Preserve, which is designated as an open space preserve. This conceptual site design achieves a density of 27.4 dwelling units per acre with a three-story flat residential product type and tuck under parking. The adjacent Lot 4, the Western Preserve, as noted in Chapter 2, will require a maintenance vehicle access to the existing service roads on the preserve. A maintenance vehicle access easement is located at the southern portion of Lot 1 with access from the Public Street A cul-de-sac. A minimum 12' gated access will be required at the entrance to the sensitive land preserve area. Refer to Exhibit 9.1 for additional information.

C. Lot 2

Lot 2 is located on the east side of Caliente Avenue. The density for this site is 18.2 dwelling units per acre. This site uses a combination of carriage units and townhouses with varying two- and three-story building heights. All units have direct access to two-car garages. Refer to Exhibit 9.2 for additional development information.

D. Lot 3

Lot 3 is the easternmost site, adjacent to Lot 2 and Lot 5, the Eastern Preserve, which is designated as an open space preserve. The density for this site is 15 dwelling units per acre. This site design is composed of two- and three-story townhomes, all with attached two-car garages.

Per the requirements of the Community Plan, a public access easement to the trail located in the Eastern Preserve is provided along the southern and eastern property lines of Lot 3. The trailhead shall be required at the beginning of the trail entering the Eastern Preserive. The trailhead design shall follow the guidelines set forth by the Parks & Recreation Department. Refer to Exhibit 9.3 for additional development information.

ARCHITECTURAL STYLES

Chapter 10

A. Intent

The following conceptual building elevations and sketches provide a sampling of architectural styles to be considered in the development of the Candlelight project area. These are not intended to be taken literally or to limit creativity. They only serve as design inspiration. Although only three architectural styles are presented, the developer is free to choose from other styles. These styles are intended to present a palette of design possibilities that can be employed to promote an individual development's character and, in turn, establish a neighborhood identity.

B. Sample Architectural Styles

Exhibit 10.1 illustrates a Mediterranean style, which is based on Spanish Revival characteristics. Identifying features include low-pitched roofs with barrel or S-tile roofing, typically red in color. Roofs may be gable or hip, with the occasional flat roof. Eave overhangs may vary from 12 to 18 inches with exposed beams, or they may be flush with a simple trim and gutter. Recessed windows and doors give the appearance of thickened walls. Arched openings, arches at recessed windows and doors are also common. Walls have a smooth stucco finish, and colors are in the warm, subtle range.

A Bungalow architectural style is depicted in Exhibit 10.2. It is generally derived from the characteristics of the Craftsman houses found in Southern California. This style features low-pitched gabled roofs with open roof overhangs and exposed roof rafters. Deep eave overhangs that range from 18 to 24 inches are common, and beams and braces are typically added at gables. Roofs are generally composition shingles, flat concrete or clay tile. A prominent feature of this style is a porch supported with square columns. Columns are distinctive and of variable detail. Typically short, square columns sit upon larger tapered column bases. Walls finishes may include a variety of materials such as lap siding, shingles, stucco, stone or brick.

Exhibit 10.3 displays an Old World style also known as European Country. This architectural style is loosely based on a variety of French and English cottages. Steeply pitched roofs with gables and distinctive, large chimneys are emphasized, and gables are typically detailed with half-timbering. Roof overhangs are minimal, generally 6 to 18 inches with gutters. Roofs are generally composition shingles, flat concrete or clay tile.. Bay windows and tall, narrow windows with multi-pane glazing are commonly organized in horizontal groupings. Typical wall materials may include stucco, brick or stone.

CONCEPTUAL LANDSCAPE

Chapter 11

A. Intent

As indicated in Chapter 5, Lots 1, 2 and 3 of the Candlelight Project Area are intended to receive landscape improvements so as to provide a quality residential environment.

The following sample plans depict three possible conceptual landscape designs for the larger common space areas of each lot. The conceptual plans are intended to demonstrate possible landscape design methods by employing the development standards in Chapter 5. Refer to Exhibit 11.1. Also included are sample landscape cross-sections demonstrating further exploration of landscape and building interfaces. Refer to Exhibits 11.2 and 11.3

Let it be noted that these are conceptual landscape designs only. Developers are at freedom to develop a landscape design of their preference, provided that the landscape plans adhere to the requirements of all the applicable developments standards.



EXHIBIT 9.1 - LOT 1 CONCEPTUAL SITE PLAN

D 50' 100' 150'

DEVELOPMENT SUMMARY		
SITE AREA : ZONING:	7.81 AC. / 340,203 S.F. (NET) RM-2-5	
UNIT MIX:	1 BDRM. UNITS = 69 $2 BDRM. UNITS = 110$ $3 BDRM. UNITS = 28$ $4 BDRM. UNITS = 6$ $TOTAL UNITS = 213$	
APPROX. UNIT S.F.:	1 BDRM. UNITS - 650-700 S.F. 2 BDRM. UNITS - 800-900 S.F. 3-4 BDRM. UNITS - 1,100-1,250 S.F.	
DENSITY:	PER ZONE = 29 DU/ACRE UNITS = 182 GEN. PLAN = 29 DU/ACRE UNITS = 182 PROPOSED = 27.3 DU/ACRE UNITS = 213	
BLDG. MIX:	$\begin{array}{rcrcrcr} 18\text{-PLEX BLDG.} &=& 11\\ 15\text{-PLEX BLDG.} &=& 1\\ \text{CLUB HOUSE} &=& 1\\ \hline \text{TOTAL BLDG.S} &=& 13 \end{array}$	
MAX. HT.: Setbacks:	TOTAL BLDG.S = 13 ALLOWABLE = 30/40 FT.* FRONT - MIN. = 15 - 20 FT. INT. SIDE = 50 FT. ** STREET SIDE = 50 FT. ** REAR = 15 FT.	
COMMON O REQUIRED:	PEN SPACE 213 X 25 S.F. = 5,325 S.F.	
LOT COVERAGE: PARKING SPACES REQUIRED:	NOT APPLICABLE 1 BDRM 69 X 1.5 = 103.5 2 BDRM 110 X 2.0 = 220.0 3-4 BDRM 34 X 2.25 = 76.5 SUB-TOTAL = 400.0 VISITOR - 20% OF SUB-TOTAL = 80.0 TOTAL REQUIRED = 480.0	
LOADING SP MOTORCYCI	SPACES: 2% X 480 SPACES = 10.0 ACES REQUIRED: 2 SPACES 213 UNITS X 0.1 = 22.0 1 BDRM 69 X 0.4 = 27.6 2 BDRM 110 X 0.5 = 55.0 3-4 BDRM 34 X 0.6 = 20.4	
	TOTAL REQUIRED = 103.0	
OR HYDROMODIFICATION AREA AS REQUIRED BY CIVIL ENGINEER		
INDICATES B MANAGEMEN		
INDICATES T MAINTENANO ACCESS EAS	CE VEHICLE	
INDICATES P ACCESS EAS		
FOOTNOTES: * 30' AT SIDE SETBACK UP TO 40' AT 60' DEGREE ANGLE FROM SETBACK. ** 10% OF LOT WIDTH		



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DEVELOPMENT SUMMARY		
SITE AREA : ZONING: UNIT MIX:	7.15 AC. / 311,454 S.F. (NET) RM-2-5 2 BDRM. UNITS = 38 3-4 BDRM. UNITS = 92 TOTAL UNITS = 130	
APPROX. UNIT S.F.: DENSITY:	2 BDRM. UNITS - 1,100-1,300 S.F. 3-4 BDRM. UNITS - 1,400-1,500 S.F. PER ZONE = 29 DU/ACRE UNITS = 182 GEN. PLAN = 29 DU/ACRE UNITS = 182 PROPOSED = 18.2 DU/ACRE UNITS 130	
BLDG. MIX:	6-PLEX BLDG. = = 10 7-PLEX BLDG. = 2 8-PLEX BLDG. = 7 CLUB HOUSE = 1 TOTAL BLDG.S = 20	
MAX. HT.: SETBACKS:	ALLOWABLE = 30/40 FT. * FRONT - MIN. = 15 - 20 FT. INT. SIDE = 39 FT. ** STREET SIDE = 39 FT. ** REAR = 15 FT.	
COMMON O REQUIRED:	PEN SPACE 130 X 25 S.F. = 3,250 S.F.	
LOT COVERAGE: PARKING SPACES REQUIRED:	VISITOR - 20% OF SUB-TOTAL = 56.6	
LOADING SF MOTORCYC REQUIRED: BICYCLE SPACES	2% X 340 SPACES = 7.0 PACES REQUIRED: 2 SPACES LE SPACES 130 UNITS X 0.1 = 13.0	
LEGEND:		
INDICATES BIO-RETENTION OR HYDROMODIFICATION AREA AS REQUIRED BY CIVIL ENGINEER		
INDICATES E MANAGEMEN		
INDICATES T MAINTENANO ACCESS EAS	CE VEHICLE	
INDICATES F ACCESS EAS	PUBLIC TRAIL	
FOOTNOTES: * 30' AT SIDE SETBACK UP TO 40' AT 60' DEGREE ANGLE FROM SETBACK. * 10% OF LOT WIDTH		



EXHIBIT 9.3 - LOT 3 CONCEPTUAL SITE PLAN

0 50' 100' 150'

DEVELOPMENT SUMMARY		
SITE AREA : ZONING:	8.87 AC. / 386,377.2 S.F. (NET) RM-2-5	
UNIT MIX:	2 BDRM. UNITS = 37 3-4 BDRM. UNITS = 106	
APPROX.	TOTAL UNITS = 133	
UNIT S.F.: DENSITY:	2 BDRM. UNITS - 1,200-1,400 S.F. 3-4 BDRM. UNITS - 1,400-1,600 S.F. PER ZONE = 29 DU/ACRE	
DENSITY:	PER 20NE = 29 DU/ACRE UNITS = 182 GEN. PLAN = 29 DU/ACRE UNITS = 182 PROPOSED = 15 DU/ACRE UNITS = 133	
BLDG. MIX:	4-PLEX BLDG. = 10 5-PLEX BLDG. = 1 6-PLEX BLDG. = 1 8-PLEX BLDG. = 4 10-PLEX BLDG. = 1 12-PLEX BLDG. = 4 14-PLEX BLDG. = 2 CLUB HOUSE = 1 TOTAL BLDG.S 15	
MAX. HT.:	ALLOWABLE = 30/40 FT. *	
SETBACKS:	FRONT - MIN. = 15 - 20 FT. INT. SIDE = 98 FT. ** STREET SIDE = N/A REAR = 15 FT.	
COMMON OI REQUIRED: LOT		
	NOT APPLICABLE 2 BDRM 27 X 2.0 = 54.0 3-4 BDRM 106 X 2.25 = 238.5 SUB-TOTAL = 292.5 VISITOR - 20% OF SUB-TOTAL = 58.5	
ACCESSIBLE S	TOTAL REQUIRED = 351.0 SPACES:	
	ACES REQUIRED: 2 SPACES	
REQUIRED:	133 UNITS X 0.1 = 13.3 2 BDRM 27 X 0.5 = 13.5	
BICYCLE SPACES REQUIRED: LEGEND:	$\frac{3-4 \text{ BDRM. } - 106 \text{ X} 0.6}{\text{TOTAL REQUIRED}} = 77.0$	
INDICATES B		
INDICATES B MANAGEMEN		
INDICATES T MAINTENANC ACCESS EAS	CE VEHICLE	
INDICATES P ACCESS EAS		
FOOTNOTES: * 30' AT SIDE SETBACK UP TO 40' AT 60' DEGREE ANGLE FROM SETBACK. ** 10% OF LOT WIDTH		

NORTH



E X H I B I T 10.1 - MEDITERRANEAN ARCHITECTURAL STYLE

Candlelight Development Guidelines



TYPICAL BUNGALOW STYLE FACADE



LOW PITCHED, CROSS GABLE ROOFS W/ EXPOSED RAFTER TAILS









TYPICAL COLUMN & RAILING STYLES

EXHIBIT 10.2 - BUNGALOW ARCHITECTURAL STYLE

Candlelight Development Guidelines



SHINGLE SIDING & STONE VENEER W/ TAPERED ELEMENTS



TYPICAL ENTRY DOOR STYLES



STICKWORK AT PORCH GABLE & WINDOW W/MULTIPANE SHASH





EXHIBIT 10.3 - OLD WORLD ARCHITECTURAL STYLE

Candlelight Development Guidelines



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EXHIBIT 11.2 - CONCEPTUAL LANDSCAPE CROSS-SECTIONS

LOT 3: TYPICAL CROSS-SECTION AT MOTOR COURT & EMERGENCY ACCESS LANE



LOT 1: TYPICAL CROSS-SECTION AT MOTOR COURT



-ACCENT TREES AT SEATING OR GATHERING AREAS



EXHIBIT 11.3 - CONCEPTUAL LANDSCAPE CROSS-SECTIONS

APPENDIX A

CITY OF SAN DIEGO DOCUMENTS REVIEWED IN PREPARATION OF CANDLELIGHT DEVELOPMENT GUIDELINES

- 1. Otay Mesa Community Plan
- 2. Santee Investments Otay Mesa Precise Plan
- 3. City of San Diego Land Development Code
- 4. San Diego Park & Recreation Department Consultant's Guide to Park Design and Development
- 5. City of San Diego Police Department Guide: Crime Prevention Through Environmental Design
- 6. City of San Diego Multiple Habitat Planning Area (MHPA) Land Use Adjacency Guidelines
- 7. City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan

APPENDIX B

ZONING DEVELOPMENT SUMMARY FOR RESIDENTIAL BASE ZONE RM-2-5

Max. Density	15 –29 dwelling units per acre
Min. Lot Area	6,000 sf
Min. Lot Dimensions	
- Lot Width	50 ft
- Street Frontage	50 ft (See Section 131.0442 (a)
- Lot Width (corner)	55 ft
- Lot Depth	90 ft
Lot Coverage	N/A
Floor Area Ratio	1.35 (See Section 131.0446(e)
Building Setbacks	
- Min. Front Setback	15 ft (50% width of building envelope. See Section 131.0443(3)(1)
- Standard Front Setback	20 ft (50% width of building envelope. See Section 131.0443(3)(1)
- Min. Side Setback	5 ft or 10% of lot width, whichever is greater (See Section 131.0443 (e)(2)
- Min. Street Side Setback	10 ft or 10% of lot width, whichever is greater (See Section 131.0443 (e)(3)
- Min. Rear Setback	15 ft (See Section 131.0443(e)(4)
Max. Building Height	40 ft (See Section 131.0444(f)
Storage	240 cf (See Section 131.0454)
Private Exterior Open Space	60 sf per for a min. of 75% of total dwelling units (See Section 131.0455(b)
Common Open Space	300 sf of 25 sf per dwelling units, whichever is greater (See Section 131.0456)
Architectural Projections & Encroachments	Permitted per Section 142.0805
Refuse & Recycling	Applies per Section 142.0805
Parking	Provide parking as required per city of San Diego current Parking Regulations.