



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: July 29, 2021 REPORT NO. PC-21-028

HEARING DATE: August 5, 2021

SUBJECT: THE TRAILS AT CARMEL MOUNTAIN RANCH PROJECT - Process Five Decision

PROJECT NUMBER: [652519](#)

REFERENCE: Initiation of an Amendment to the Carmel Mountain Ranch Community Plan to re-designate an approximate 164.5-acre site from Private Recreation - Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Parks and Open Space, [Planning Commission Report No. PC-19-064](#).

OWNER/APPLICANT: PACS Enterprises, LLC / NUWI CMR, LLC

### SUMMARY

Issues: Should the Planning Commission recommend to the City Council approval of an application for the residential and commercial development of a former private golf course property for a development consisting of Low-Medium Residential, Medium Residential, Community Commercial, Park and Open Space that would include up to 1,200 multi-family residential dwelling units, including 15 percent of the total dwelling units built as deed-restricted affordable dwelling units for low income households, the development of approximately 6,000 square feet of community commercial amenities, and approximately 111-acres of various recreational amenities to include a privately owned and publicly accessible trail system on an approximately 164.5-acre site located at 14050 Carmel Ridge Road, north of Ted Williams Parkway, south of Carmel Mountain Road, east of Interstate 15 (I-15) freeway within the Carmel Mountain Ranch Community Plan area?

### Staff Recommendations:

1. Recommend the City Council CERTIFY Environmental Impact Report (EIR) No. 652519/SCH No. 2020039006 and ADOPT the Mitigation, Monitoring and Reporting Program (MMRP), and ADOPT the Findings and Statement of Overriding Considerations;
2. Recommend the City Council to APPROVE a resolution for an amendment to the General Plan and Carmel Mountain Ranch Community Plan No. 2366421;

3. Recommend the City Council APPROVE Rezone No. 2366507;
4. Recommend the City Council APPROVE Master Planned Development Permit No. 2366508 and Site Development Permit No. 2366425; and
5. Recommend the City Council APPROVE Vesting Tentative Map No. 2366422.

Community Planning Group Recommendation: On March 10, 2021, the Carmel Mountain Ranch / Sabre Springs Community Council voted 13-0-0 to recommend denial of the project (Attachment 17).

Environmental Review: An [Environmental Impact Report \(EIR\) No. 652519/SCH No. 2020039006](#), has been prepared for the Project in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines. A Mitigation Monitoring and Reporting Program (MMRP) would be implemented that would reduce some of the potential impacts to below a level of significance. The applicant has prepared Candidate Findings and a Statement of Overriding Considerations, which will allow the decision-maker to approve the Project with significant and unavoidable impacts.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this Project are paid from a deposit account maintained by the applicant.

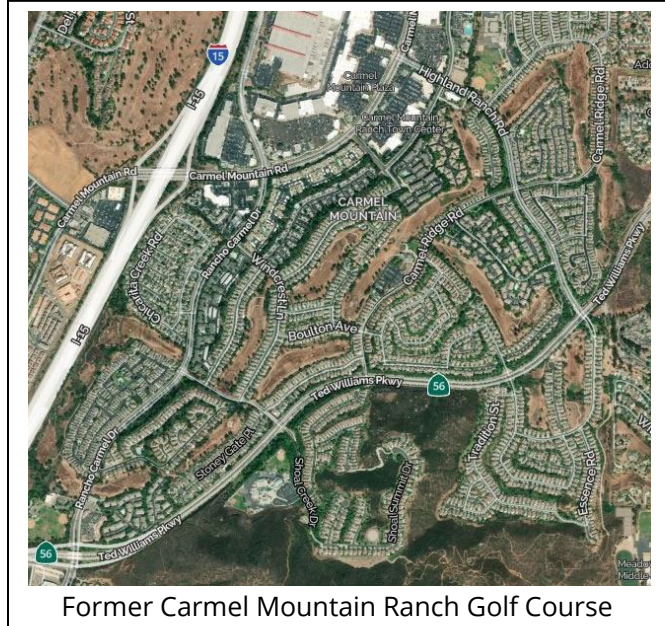
Housing Impact Statement: The Project would provide for the development of up to 1,200 residential dwelling units on a site formerly used as a golf course. The Project includes a Community Plan Amendment (CPA) that would re-designate a portion of the site from Private Recreation – Golf Course to Low Medium Residential (6-29 dwelling units per acre [du/ac]) and Medium Residential (30-43 du/ac) resulting in an overall increase of up to 1,200 housing units in the Carmel Mountain Ranch community. The total housing units will include 15 percent affordable dwelling units for low-income households with rents at no more than 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years in a comparable mix to the total development. To meet the requirements of the City of San Diego’s Expedite Program for Affordable, In-Fill Housing and Sustainable Buildings, a project is required to provide at least 10 percent of the total units or 120 dwelling units as affordable dwelling units to low-income households. The Inclusionary Affordable Housing Regulations require the applicant to provide two percent of the dwelling units built or 24 dwelling units as affordable to low-income households. By providing 15 percent of the total dwelling units built as affordable dwelling units to low-income households the Project will be consistent with, and exceed, the requirements of the Inclusionary Affordable Housing regulations of San Diego Municipal Code (SDMC) Section 142.1304(a).

## BACKGROUND

The Trails at Carmel Mountain Ranch Project (Project) is located within the Carmel Mountain Ranch Community Plan area on a former privately owned golf course, approved by Planning Commission on

April 12, 1984, by Conditional Use Permit No. 84-0114, and which began operations in 1986 as the Carmel Mountain Ranch Golf Course. The golf course has been closed by the property owner since 2018. Since its closure, irrigation and general maintenance have been discontinued, the site has been fenced off to discourage public access, and it remains fallow and unavailable for golf use. Currently the only active land use on the former golf course is the former clubhouse facility and parking lot area, which is currently being used as a private special events venue.

The Project site is located west of the City of Poway, east of the community of Rancho Peñasquitos, north of the community of Sabre Springs, and south of the community of Rancho Bernardo (Attachments 1 and 2). The project site is bounded by Ted Williams Parkway to the south, Carmel Mountain Road to the north, Interstate 15 (I-15) to the west, and the boundary with the City of Poway to the east. The project site consists of approximately 164.5 acres and currently has an address of 14050 Carmel Ridge Road.



Former Carmel Mountain Ranch Golf Course

The Project site is surrounded by existing residential development, with some adjacent park land and portions along I-15. The site is primarily characterized by developed land/disturbed habitat (comprised of graded and previously maintained areas of the golf course as well as ornamental plantings and landscaping associated with the golf course use) and some native habitat (upland and wetland species). The majority of native habitat in the project area is associated with Chicarita Creek along the western boundary of the project area (adjacent to golf holes 3, 4, and 5), and along the eastern boundary adjacent to a parcel owned by the City of Poway (adjacent to golf hole 15).

Land Use:

The Carmel Mountain Ranch Community Plan designates the Project site as Private Recreation – Golf Course. The General Plan, Figure LU-2, designates the site as Park, Open Space, and Recreation. In Table LU-4, General Plan and Community Plan Land Use Categories, the General Plan states that Private/Commercial Recreation provides for private recreational areas or commercial recreation areas that do not meet the definition of population-based or resource-based parks, but that still provide recreational opportunities.

Zoning:

The Project site is primarily zoned Agricultural-Residential (AR-1-1). However, some of the smaller parcels associated with the former cart paths, cart tunnels, maintenance yard and clubhouse are zoned Residential-Single Unit (RS-1-13, and RS-1-14) or Residential Multiple Unit (RM-1-1, RM-2-5, and

RM-3-7). The Project site is also located within the Airport Land Use Compatibility Overlay Zone for Marine Corps Air Station Miramar, the Airport Influence Area (Review Area 2) for MCAS Miramar, Residential Tandem Parking Overlay Zone, Parking Standards Transit Priority Area, and Transit Priority Area Overlay Zone.

Topography:

The topography on the site ranges from approximately 500 feet above mean sea level (AMSL) at the southerly portion of Unit 13 (where no development is proposed) to approximately 790 feet AMSL at the Clubhouse in Unit 9 on Carmel Ridge Road.

Required Entitlements:

1. General Plan/Carmel Mountain Ranch Community Plan Amendment – The action includes a General Plan Amendment to redesignate portions of the Project site from “Park, Open Space and Recreation” to “Residential” and “Commercial Employment, Retail and Services.” A Community Plan Amendment is also required to the Carmel Mountain Ranch Community Plan to redesignate the site from Private Recreation-Golf Course to Low-Medium Residential (6-29 dwelling units per acre), Medium Residential (30-43 dwelling units per acre), Community Commercial, Open Space and Parks.
2. Rezone – Change the existing zoning from the AR-1-1 (Agricultural-Residential) zone, RS-1-14 (Residential-Single Unit) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-2-5 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone. See sheet 35 of the Vesting Tentative Map (VTM) for a complete zone change exhibit.
3. Master Planned Development Permit (MPDP) – A MPDP in accordance with SDMC Section 143.0480 is being processed for the development of the Project in conjunction with Design Guidelines that provide standards for the development of future phases of the Project. Development of the Project site will be required to demonstrate compliance with the criteria established by the applicable Trails at Carmel Mountain Ranch Design Guidelines via Substantial Conformance Review.
4. Site Development Permit (SDP) – The SDP is required for property within the Airport Land Use Compatibility Zone proposing development that includes a rezone or land use plan approval, pursuant to SDMC 125.0502(e)(4). An SDP is also required for development impacting Environmentally Sensitive Lands (ESL) pursuant to SDMC 143.0110, Table 143-01A and for the subdivision of a premises that contains ESL, pursuant to 125.0502(d)(3).
5. Vesting Tentative Map (VTM) with Easement Vacation – The VTM proposes the subdivision of 24 parcel lots to create 48 parcel lots pursuant to the SDMC and the State Subdivision Map Act (SMA).

The VTM will also be used to summarily vacate an existing 10-foot to 20-foot wide public water easement pursuant to SDMC section 125.1010(b) and establish right-of-way and utility easements throughout the Project site.

## DISCUSSION

### Project Description:

The Project proposes to redevelop the closed Carmel Mountain Ranch Golf Course and allow for the development of up to a total of 1,200 multi-family homes and a mix of open space and recreational uses within 17 Development Units. Residential development within the Project site would occur on approximately 52.9 acres ranging in density from 13 to 37 dwelling units per acre. The Project would develop residential neighborhoods with a diversity of housing types through implementation of project-specific Design Guidelines. Each neighborhood would provide an open space amenity, trail connection, recreation area, and separate entrance. Gateways into the neighborhoods would be clearly marked and accentuated with distinct landscape features, building forms, enhanced paving, and direct pedestrian paths. Entrances to each neighborhood would lead residents and visitors directly to recreation areas and open space amenities in the neighborhood. Homes would be clustered and oriented around private open spaces and community amenities. Buildings would be oriented and relate directly to internal streets, paseos, greenways, and common open space amenities.

### Design Guidelines:

The Project would implement project-specific Design Guidelines with a primary purpose and intent of providing guidance and direction on site planning, building design, landscape design, brush management and to would provide a framework for future Project implementation consistent with the goals and policies of the Carmel Mountain Ranch Community Plan, City General Plan, and the City's Climate Action Plan. Residential land uses would be developed as infill residential neighborhoods consistent with the policies and regulations established by the Design Guidelines (Attachment 21) for the Project. The structure heights range from 37 to 48 feet (inclusive of all building appurtenances such as solar panels, chimneys, and mechanical equipment). All proposed new residential structures would be set back 50 feet from existing residential development.

Development of the residential neighborhoods would be implemented through City-wide zoning with allowable deviations from the development standards described in the Design Guidelines. The Project would provide multiple building types (townhomes, garden walk-ups, stacked flats and apartments, among others) in the community, with a mix of for-sale, and rental dwelling units to serve a diverse and mixed population and household size. A variety of architectural styles would be allowed across the neighborhoods, so long as a consistency is established at each planning unit neighborhood to help define a sense of place. Building designs would establish a pattern and hierarchy of building massing and forms to help reduce the visual bulk of the development, In addition, building designs will incorporate smaller-scale architectural elements, such as bay windows, porches, projecting eaves, awnings, and similar elements, to add visual interest and provide a human scale to the mass of the buildings.

Housing Types:

Areas zoned RM-1-1 and RM-1-3 would include two- and three-story townhomes, with two or three bedrooms. Areas zoned RM-2-4 through RM-3-7 would include three- and four-story apartments, with studios, one, two, and three bedrooms. The following table identifies the development unit number, type of dwelling units that will be developed within each development unit, the acreage of the development units and which units shall be allocated as open space/park space.

Unit Number	Lot Acreage	Housing Unit Types and Numbers of Units by Lot			
		Garden Apartment	Townhome	Open Space/Park	Totals**
1	8.72		66	Open Space	66
2	9.91		87	Open Space	87
3	1.36			Open Space	
4	25.27			Open Space	
5	2.76	78		Open Space	78
6	5.83	128		Open Space	128
7	6.45			Open Space / Park	
8	10.92		98	Open Space	98
9	19.75	300		Open Space	300
10	15.34		200	Open Space	200
11	0.9			Open Space	
12	6.07			Open Space	
13	9.26			Open Space / Park	
15	13.6			Open Space	
16	19.94	123		Open Space / Park	123
17	6.27	120		Open Space	120
Totals	164.21*	749	451		1,200

\* Note: Public ROW dedication of 0.33 acres results in total project acreage of 164.54 acres.

\*\* With approval of the proposed SDP and MPDP these totals for each development unit shall not be exceeded without additional discretionary action and CEQA review.

Community Commercial:

The Project proposes a 12,000-square-foot pad for future development of community commercial amenities that may include a community art gallery/studio located near the existing Carmel Mountain Ranch Library. The art gallery/studio could include up to 6,000 square feet in one or two buildings to house gallery space and a 3,000-square-foot café/restaurant/banquet area with 2,000 square feet of dining space, and a 1,000-square-foot kitchen. One additional watchkeeper quarters up to 1,200 square feet would also be proposed.

Affordable Housing:

Development Units 5 and 6 are proposed to be developed with up to 180 for-rent affordable housing units, which accounts for 15 percent of the total proposed units on the Project site. The affordable

units would remain rent-restricted for a period of 55 years in a comparable mix to the overall development. Units 5 and 6 are located less than 0.5 miles from the existing Sabre Springs/Peñasquitos Transit Station. Transit pass subsidies will be provided for all residents living in the proposed onsite affordable housing for a period of five years as a MPDP/SDP condition of approval.

#### Recreational Amenities:

The Project would include approximately 111 acres of various recreational amenities, including an approximate 5-mile trail system intended to connect both future and existing residents to community amenities, publicly accessible parkland, open space and buffer area. The trail system would be privately owned and maintained, and publicly accessible through the recordation of a public recreation easement. Within each of the development units, additional private recreational amenities and open space, such as pools, tot lots, seating areas, balconies, and plazas, are proposed. Proposed development will comply with the supplemental private exterior and common open space standards required by the MPDP regulations

#### Public Parks:

The Project provides 7.87 net acres of public parks in three locations throughout the Project site. Unit 7 contains a 3.38-acre Neighborhood Park accessed from Shoal Creek Drive. Unit 13 contains a 1.9-acre Neighborhood Park accessed from Esprit Avenue. Unit 16 contains a 2.59-acre Neighborhood Park accessed from Carmel Ridge Road. The public parks would to be dedicated to and maintained by the City and would provide 7.87 net usable acres of parkland, which exceeds the applicable requirements of 6.62 acres based on a total Project buildout of 1,200 dwelling units.

#### Vehicle Access:

Primary vehicular access to the Project site , including fire and emergency access, will be provided via proposed private driveways located along existing public streets including Carmel Ridge Road, Shoal Creek Drive, Rancho Carmel Drive, Eastbourne Road, Windcrest Lane, and Highland Ranch Road. For any development unit providing a single point of access, no more than 200 units are proposed per San Diego Fire-Rescue Department (SDFRD) requirements.

#### Transit Access:

The Project site is within a Transit Priority Area (TPA) because it is located less than 0.5 miles from the Sabre Springs/Peñasquitos Transit Station, which provides Bus Rapid Transit Service (Bus Routes 235 and 290) along the I-15 corridor. The Bus Rapid Transit Service routes currently operate from Escondido and Rancho Bernardo with connections to primary destinations in Kearny Mesa, Downtown and other regional locations. Prior to COVID-19 related service adjustments, both the 235 and 290 Rapid Bus Routes operated at 15-minute frequencies during peak commute hours. The Sabre Springs/Peñasquitos Transit Station is also served by Metropolitan Transit Service (MTS) local Bus Route 944 to the City of Poway and MTS local Bus Route 20 with multiple bus stops located along

Carmel Mountain Road. Route 20 provides service from the Rancho Bernardo Transit Station to Downtown San Diego and operates at an approximately 30-minute frequency.

Project Deviations:

The Project proposes deviations to the development regulations for minimum lot size, minimum lot width, minimum lot depth, minimum street frontage, maximum building height, side yard setbacks, and rear yard setbacks. Staff has reviewed and recommends approval of the following requested deviations for the Project:

<b>Proposed Deviations</b>		
<b>Development Regulation</b>	<b>Required/Allowed</b>	<b>Proposed</b>
<b>Structure Height Deviations</b>		
SDMC § 131.0431 for structure height in the RM-1-1, RM-1-3, RM 2-4, RM 2-5, RM 2-6 and RM 3-7 lots	<u>30 feet</u> (RM 1-1 and RM 1-3) <u>40 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)	<u>37 feet</u> (RM 1-1 and RM 1-3) <u>48 feet</u> (RM 2-4, RM 2-5, RM 2-6 RM 3-7)
<b>Minimum Lot Dimensions Deviations</b>		
SDMC § 131.0331 for minimum lot area, minimum lot width, minimum lot depth and minimum street frontage in the AR-1-1 Zone	Min. Lot Area 10 acres Min. Lot Width 200 feet Min. Lot Depth 200 feet Min. Street Frontage 200 feet	Minimum Lot Area 0.1 acres Minimum lot width 50 feet Minimum Lot Depth 50 feet Minimum Street Frontage 50 feet
<b>Minimum Street Frontage Deviation</b>		
SDMC § 131.0531 for CC-2-1 lots	Minimum Street Frontage 50 feet	Minimum street frontage 0 feet

Deviation Justifications:

- Structure Height Deviation: The Project was designed to maximize density and facilitate clustering to ensure that the majority of the site could be preserved as open space. As a result, residential zones with low overall density were selected. However, to ensure that the Project would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale and rental market-rate and affordable product in compliance with the General Plan and Community Plan, the first deviation is required to allow a greater building height than would otherwise be allowed.
- Minimum Lot Dimensions Deviation: Some undeveloped property onsite will be included in open space lots that will act as a buffer between the new infill residential development and the surrounding community. These open space lots do not comply with the minimum lot dimension requirements of the AR-1-1 zone. Therefore, the requested deviation is necessary to allow the Project, which has been designed to comply with the General Plan's Urban Design Element and the Community Plan's Housing Element and subject to the Design Guidelines and the parameters of the MPDP, to fully integrate with the existing residential uses.



- Minimum Street Frontage Deviation: Unit 17, Lot 2 includes a community art center. The parcel does not front on a public street, so the requested deviation is necessary to allow vehicular access from a private driveway in Unit 17, Lot 1 and pedestrian access from the nearest public street, Highland Ranch Road. The community art center presents a new public gathering space that will be unique to the Carmel Mountain Ranch community in furtherance of the General Plan's Land Use and Recreation Elements, as well as the Community Plan's Parks and Open Space Element.

Each of the requested deviations has been reviewed as they relate to the Project design, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable Project that efficiently utilizes the site and achieves the revitalization and re-use of the former golf course for residential use, while meeting the purpose and intent of the development regulations. The Project meets all applicable regulations and policy documents other than the requested deviations, and is consistent with the recommended land use, Design Guidelines, and development standards in effect for this site per the SDMC. The Project will also assist in accomplishing the City goal of providing affordable and market-rate housing opportunities.

#### Water Supply Assessment (WSA):

In accordance with Senate Bill 610, the City Public Utilities Department prepared a WSA Report for the proposed Project, since it proposes more than 500 dwelling units, which assessed if sufficient water supplies would be available to meet the projected water demands of the Project. The WSA evaluated the City's ability to provide water supplies to the proposed Project during a normal water supply year, a single-dry year, and multiple-dry water years over a 20-year projection period including existing and the planned future water demands of the City. As demonstrated in the WSA, current and future water supplies including actions necessary to develop these supplies have been identified in the water resources planning documents of the City's Public Utilities Department, the San Diego County Water Authority, and the Metropolitan Water District to serve the projected demands of the Project, including existing and the planned future water demands of the City.

#### Fire Hazard Severity Zone:

Another issue identified within the Carmel Mountain Ranch community was fire danger and evacuation of existing and new neighborhood residents in the event of a wildfire. The nearby Black Mountain Open Space and Twin Peaks Open Space are considered a Very High Fire Hazard Severity Zone (VHFSZ), and concerns were raised about the impacts of the proposed development to the evacuation service levels to the community in the event of a wild fire. Approximately 5 percent of the proposed Project is located in a VHFSZ. In response to community concerns, a Conceptual Wildland Fire Evacuation Plan (Evacuation Plan; Appendix D1 to the FEIR) was prepared for the development (Dudek, April 2021) that addresses the evacuation of existing and new Project residents in the event of a wildfire. Vegetation management and building requirements will also help to retard the rate of fire spread and reduce the intensity of uncontrolled fire.

Currently, the community features a variety of viable routes of evacuation for the Carmel Mountain Ranch area including Ted Williams Parkway, Carmel Mountain Road, Rancho Carmel Drive and Camino

Del Norte, which provide access to urbanized areas and major corridors including I-15 and State Route 56. The Evacuation Plan assumes 100 percent occupancy (worst case scenario) of the Project will increase the number of vehicles evacuating the area by 2,400 vehicles and will increase the calculated evacuation travel time of up to an estimated 15.6 minutes for all evacuation routes. The Evacuation Plan demonstrates the increase in evacuation travel time does not create an impediment to the full and safe evacuation of the community in the event of a wildfire, primarily due to the relatively small number of additional vehicles, approximately 10 percent, that would be generated by the Project as illustrated in Table 6 of the Evacuation Plan. Furthermore, the Project is not defined as a wildland urban interface project because it is situated in an infill location that is surrounded entirely by urbanized uses and will feature ignition resistant construction materials and ongoing vegetation management that serve to limit the presence of fuels. As part of the Evacuation Plan, the Project's Homeowners Association will actively participate as a partner with the SDFRD to assist with the coordination and distribution of fire safety information to the existing and future Carmel Mountain Ranch residents.

#### Climate Action Plan Goals

The Project site is in a TPA since it lies less than 0.5 mile from the Sabre Springs/Peñasquitos Transit Station, which provides rapid bus service along the I-15 corridor. The Project would address Climate Action Plan (CAP) goals by complying with the applicable requirements of the CAP Consistency Checklist, by increasing residential density within a TPA and by implementing multi-modal mobility improvements to increase the use of transit. The Project would include approximately 5 miles of pedestrian and bicycle pathways that would allow existing and future residents access to transit options close to the Project site.

#### Community Planning Group and Community Input:

The Project has been presented at more than 25 meetings of the Carmel Mountain Ranch / Sabre Springs Community Council (CMRSSCC). Additionally, the Project applicant hosted six interactive in-person community workshops, five virtual workshops due to COVID-19 related restrictions, four community presentations with local civic and homeowners' associations, solicited feedback through an online survey, and distributed information about the Project on a regular basis through a [Project website](#).

As also noted above, the CMRSSCC voted to recommend denial of the Project. In a letter outlining the reasons for their denial recommendation, the CMRSSCC highlighted concerns with the Project's composition of owner-occupied units and affordable housing units, the level of detail provided with the Project and through the community engagement process, and the amount of open space incorporated into the Project.

#### GENERAL/COMMUNITY PLAN ANALYSIS

The Project site is subject to the goals and policies of the General Plan and the Carmel Mountain Ranch Community Plan (Community Plan). The Community Plan contains community-specific information, including more detailed land use designations, for development project review.

### Proposed General Plan and Community Plan Amendment (CPA):

The Project includes an amendment to the Community Plan to redesignate the former golf-course to be consistent with the land uses and densities of the proposed Project. The CPA would redesignate the site from Private Recreation-Golf Course to Low-Medium Residential [6-29 du/ac] and Medium Residential [30-43 du/ac] (consisting of 42.2 acres to Low-Medium Residential and 9 acres to Medium Residential); approximately 111 acres to Open Space and Parks (consisting of 103-acres for Open Space and 7.87 acres for publicly accessible Parks); and approximately 0.27 acres to Community Commercial for future development of a community art gallery/studio located near the existing Carmel Mountain Ranch library.

The Community Plan amendment would revise the land use and other related maps and tables to add the Project's proposed 1,200 dwelling units, public parks, trails, and commercial component. Policies and references related to the golf course would be removed. The CPA also constitutes an amendment to the General Plan Land Use Map to redesignate a portion of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail, and Services."

The CPA would change the site's planned land use from a golf course to add housing, public parks, and open space in a TPA and in proximity to commercial and employment uses. The proposed uses are consistent with the goals of the General Plan and Community Plan to focus growth close to activity centers and linked to the regional transit system. The Project would increase housing capacity and provide housing diversity (market rate and affordable).

### Community Plan:

The existing Community Plan Land Use Map, which was originally adopted in 1984, designates the site "Private Recreation" consistent with its former use as a golf course. The Community Plan contains goals that envisioned the golf course providing additional recreational opportunities, as well as visual open space, for the surrounding community. Additional recommendations in the Community Plan envisioned the golf course providing an attractive separation between the various residential neighborhoods. A portion of the golf course is located along Chicarita Creek and was designed to reinforce the preservation and enhancement of the creek ecology. Additional policies in the Community Plan include: accommodation of a variety of residential options through a diversity of product types and economic appeal; incorporation of adequate means for multi-modal circulation within the community integrated with City and regional transportation planning; and incorporation of parks, recreation and open space linked by pedestrian and bike paths to meet the needs and desires of users.

### General Plan:

The General Plan contains a long-range vision and broad range of citywide policies that provide a framework to guide physical development, provide public services, and maintain San Diego's defining qualities. As projects and future implementation actions are reviewed, they are to be deemed consistent with the General Plan provided they further its goals and policies (or not obstruct their attainment).

### Housing Element – General Plan

The General Plan Housing Element addresses the City's comprehensive housing needs and promotes the use of affordable housing/density bonus programs to achieve projected residential housing needs over a broader range of income levels. The Project site is identified in the Housing Element's Adequate Sites Inventory for the potential location of new housing. The Project would further Housing Element goals by allowing for the future construction of up to 1,200 dwelling units; providing affordable housing; creating a neighborhood with access to transit; and increasing housing choices within Carmel Mountain Ranch by supplying a range of unit types and tenures.

The conversion of the Project site to residential use is supported by General Plan and Community Plan policies related to the provision of housing and community housing diversity. The Project would include up to 15 percent of the total dwelling units, up to 180 dwelling units, as affordable to low-income households with rents at 30 percent of 60 percent AMI in a comparable mix to the total development. The Project would address General Plan and Community Plan policies by providing a diversity of housing choices to people of various income levels.

### Land Use Element – General Plan and Community Plan

Policy LU-D.13 identifies issues that should be addressed prior to a project decision to include: the level and diversity of community support; appropriate size and boundary for the amendment site; provision of additional benefit to the community; implementation of major General Plan and community plan goals, especially as related to the vision, values, and City of Villages Strategy; and provision of public facilities. The Project would provide the additional benefits of three new Neighborhood Parks, public access to approximately 5 miles of pedestrian and bicycle trails, and construction of up to 180 affordable housing dwelling units.

The Project would include residential land uses that would be developed as infill residential neighborhoods with access to existing employment sites, commercial areas, institutional uses (such as the Carmel Mountain Ranch Branch Library and Poway Unified School District facilities), the MTS Sabre Springs/Peñasquitos Transit Station, and recreational and open space areas in the Carmel Mountain Ranch community. Higher density uses within the Medium Density land use designation, are proposed in portions of the project site near the transit station, existing commercial uses, park uses, library, and recently approved high density residential development along Rancho Carmel Drive.

The Community Plan identifies the Project site as a private recreational use and specifically as a golf course. As noted above, the Carmel Mountain Ranch Golf Course was closed in 2018, citing, among other factors, higher water costs. Prior to its closure, the golf course utilized 100 percent potable water for irrigation purposes. Since its closure, the golf course has not served as a recreational resource within the community and has remained fallow. It is currently fenced and is not available for any golf course use.

When operational, the golf course functioned as a privately owned golf course open to the public, thus the golf course is not considered public open space. Instead, it may be described as private recreational open space and a community amenity. Since the golf course was never public open space use, the Project is not proposing to convert existing public open space to another use.

The conversion of the golf course to other uses would represent a reduction in private recreational open space within the community. However, a majority of the Project site, approximately 111 acres would be retained for open space and public recreational uses. The open space, which is located throughout the Project site would be accessible through the proposed privately owned and publicly accessible trail network. The applicant will permanently dedicate approximately 103 acres as open space amenity and provide public access.

To help implement the Community Plan objective to provide a variety of residential options through a diversity of product types and economic appeal, the proposed residential development would consist of a variety of multi-family building types, including townhomes, garden walk-ups, stacked flats, and apartments. The building types would include a mix of for-sale and rental product to serve a diverse and mixed population and household size.

#### Urban Design – General Plan

The General Plan Urban Design Element Goals support a built environment that respects San Diego's natural environment and climate, and a pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context. The Project would establish Design Guidelines to guide site planning, building design, and landscape design for future implementation. The Design Guidelines include policies and supplemental development regulations that are intended to create distinct residential neighborhoods which promote a diversity of housing types and open space amenities. As outlined in the Guidelines, each new residential community would provide an open space amenity, trail connection, recreation area, and access via a private driveway.

To address the General Plan Urban Design Element policy that calls for integrating new construction with the existing fabric and scale of development in surrounding neighborhoods (UD-B.1), the Project proposes low-medium density residential uses consistent with the low-medium density residential uses within a majority of the surrounding neighborhoods. The Project would include a minimum 50-foot greenbelt buffer between existing homes and proposed new development, which may include open space, trails, and landscaped areas. Additionally, architectural articulation (such as offsetting building planes, changes in materials, porches, stoops, balconies, bay windows and other elements) would provide visual relief from new buildings facing existing residential units as required by the Design Guidelines.

#### Parks, Recreation, and Open Space – General Plan and Community Plan

The General Plan Recreation Element requires the provision of population-based parks and the Community Plan includes an objective to develop neighborhood and community parks that adequately meet the needs of residents by location and amenities. The addition of up to 1,200 dwelling units would result in the need for 6.62 useable acres of population-based parks. The Project would exceed this requirement, providing a total of 7.87 acres of Neighborhood Parks, in three different locations throughout the Project site.

The Parks and Open Space Element of the Community Plan includes policies that promote retention of open space acreage for view easements, noise buffers, or preservation of natural, irreplaceable

environments; and linkage of open space and public parks into a continuous network of bike paths and pedestrian trails in a manner sensitive to the topography and landforms. To help implement these objectives, the Project proposes to establish a new privately owned, publicly accessible trail system, the majority of which will repurpose portions of the site's former golf cart paths. The trail system would utilize the existing topography and circulate throughout the Project site to provide mobility and recreational opportunities for pedestrians and bicyclists. The trails would connect to sidewalks along the proposed on-site roadways and along existing adjacent residential streets to maximize access and connectivity to the surrounding neighborhood. A trail staging/pedestrian rest area would be constructed with bike racks, a trail map and rules kiosk, bike station, picnic tables, and shade areas. The trail system would be subject to a Recreation Easement to ensure permanent public access, but privately maintained by the homeowners' association.

#### Mobility Element – General Plan

The Project proposes an internal street network of private drives designed to accommodate automobiles, bicycles, pedestrians, and low-speed vehicles. The General Plan Mobility Element Goals include the development of a complete, functional, and interconnected pedestrian network that is accessible to pedestrians of all abilities, and an interconnected street system that provides multiple linkages within and between communities. All private drives would include a minimum five-foot sidewalk along at least one side of the street and would provide connections to the community's existing public street network and the proposed trail system.

The Project would locate higher density, deed restricted affordable housing near the Sabre Springs Transit Station and provide direct transit pass subsidies for residents of those deed-restricted units to support increased transit ridership. To encourage bicycle usage and facilitate multi-modal transportation options, the Project will provide a fleet of 150 shared bicycles onsite. The Project will also provide 660 bicycle parking spaces and three onsite bicycle repair stations distributed throughout the new residential neighborhoods, in excess of the bicycle parking required by the SDMC.

#### Conservation Element – General Plan

Consistent with the Sustainable Development policies of the Conservation Element, the Project would incorporate design features that conserve energy. Specifically, the MPDP/SDP conditions of approval would require the development to comply with the California Energy Code (Title 24) and California Green Building Standards Code (CALGreen). To meet these requirements, all new development within the Project site would include rooftop photovoltaic solar panels, energy-efficient lighting and appliances, cool roofs, and energy-efficient windows.

#### ENVIRONMENTAL ANALYSIS

EIR No. 652519/SCH No. 2020039006 has been prepared for the Project in accordance with the CEQA Statutes and Guidelines. The EIR concluded potentially significant impacts to transportation/circulation, biological resources, historical resources, noise, public services and facilities, public utilities, and tribal cultural resources,). A MMRP would be implemented to reduce impacts to below a level of significance for all issue areas except for transportation/circulation and public services and facilities as impacts will remain significant and unavoidable. The applicant has

provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated impacts.

CONCLUSION

The Project will provide up to 1,200 market rate and affordable homes (15 percent of the total dwelling units built), fulfilling the General Plan Housing Element goal of creating a diversity of new housing in every area of the City, matching the goals and objectives of the Carmel Mountain Ranch Community Plan, and complying with the City's Climate Action Plan. The Project is an in-fill location, in the Sabre Springs/Peñasquitos Transit Station TPA with access to employment centers, as well as pedestrian and bicycle access to recreational amenities, parks, the Carmel Mountain Ranch Branch Library, and commercial areas in Carmel Mountain Ranch. Therefore, City staff recommends that the Planning Commission recommend approval of the Project and certification of the EIR to City Council.

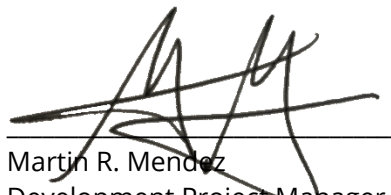
ALTERNATIVES

1. Recommend the City Council CERTIFY Environmental Impact Report No. 652519/SCH No. 2020039006, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program; APPROVE amendments to the Community Plan and General Plan No. 2366421; ADOPT ordinance for Rezone No. 2366507; and APPROVE Site Development Permit No. 2366425, Master Planned Development Permit No. 2366508, and Vesting Tentative Map No. 2366422, with modifications.
2. Recommend the City Council DO NOT CERTIFY Environmental Impact Report No. 652519/SCH No. 2020039006, DO NOT ADOPT the Findings and Statement of Overriding Considerations, and DO NOT ADOPT the Mitigation, Monitoring, and Reporting Program; DENY amendments to the Community Plan and General Plan No. 2366421; DO NOT ADOPT ordinance for Rezone No. 2366507; and DENY Site Development Permit No. 2366425, Master Planned Development Permit No. 2366508, and Vesting Tentative Map No. 2366422, if the findings required to approve the project cannot be affirmed and if the Housing Crisis Act of 2019 or Senate Bill 330 written findings to deny can be made.

Respectfully submitted,



Tim Daly  
Assistant Deputy Director  
Development Services Department



Martin R. Mendez  
Development Project Manager  
Development Services Department

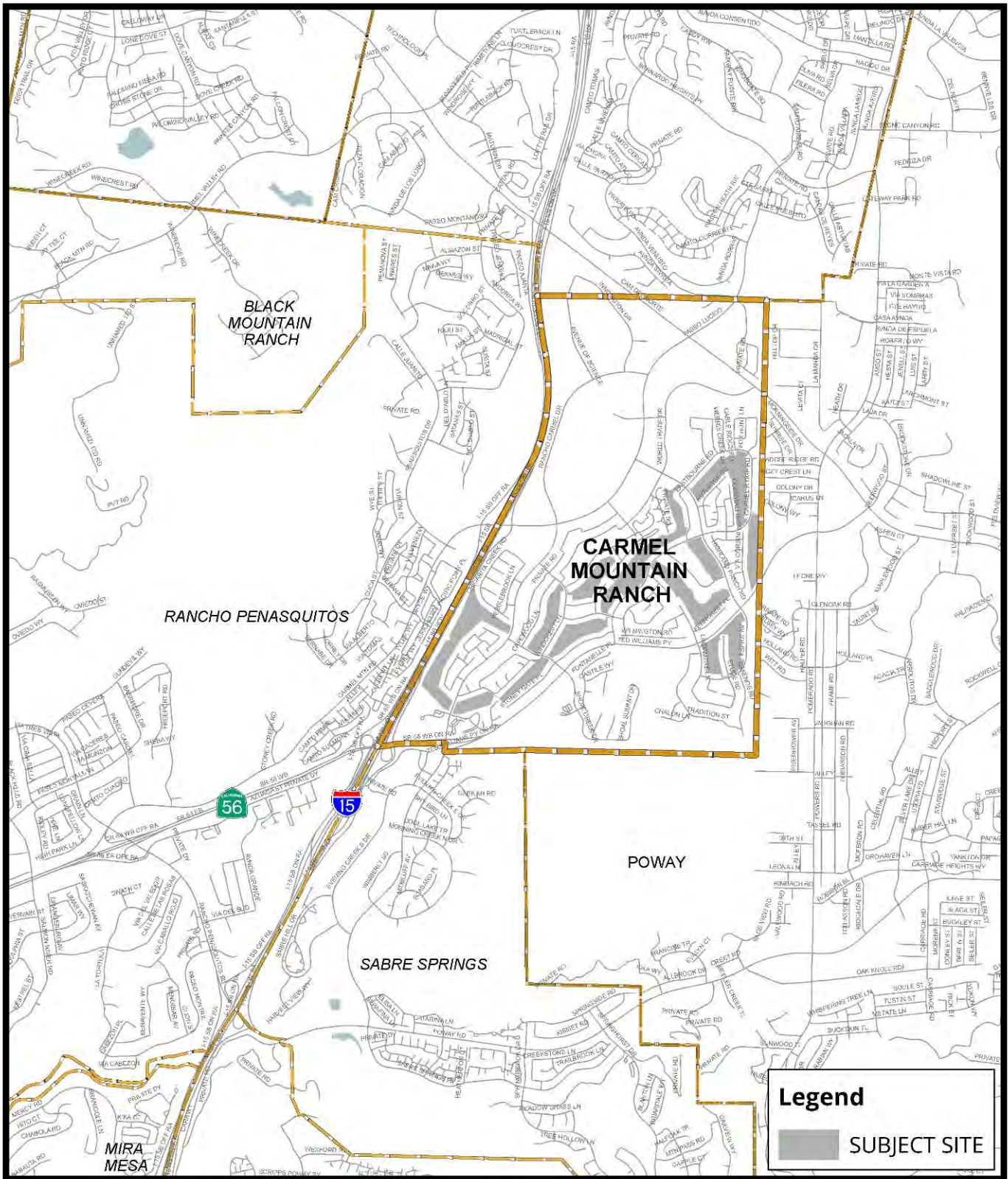


Tait Galloway  
Program Manager  
Planning Department

Attachments:

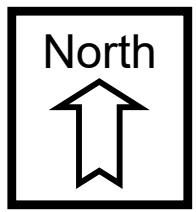
1. Location Map
2. Aerial Photograph
3. Existing Zoning Map
4. Community Plan Land Use Map
5. Site Photographs
6. Planning Commission Initiation Resolution No. 5037-PC
7. Draft Permit Resolution with Findings
8. Draft Permit with conditions
9. Draft VTM Resolution with Findings
10. Draft VTM with conditions
11. Draft EIR Environmental Resolution with Findings, Statement of Overriding Considerations and MMRP
12. Draft General Plan and Community Plan Amendment Resolution
13. Draft General Plan Amendment Strikeout/Underline Exhibit/Map
14. Draft General Plan Land Use Map (Figure LU-2)
15. Draft Rezone Ordinance
16. Draft Rezone B-Sheet
17. Community Planning Group Recommendation
18. Ownership Disclosure Statement
19. Tentative Map Exhibit
20. Development Plans Exhibit
21. Design Guidelines

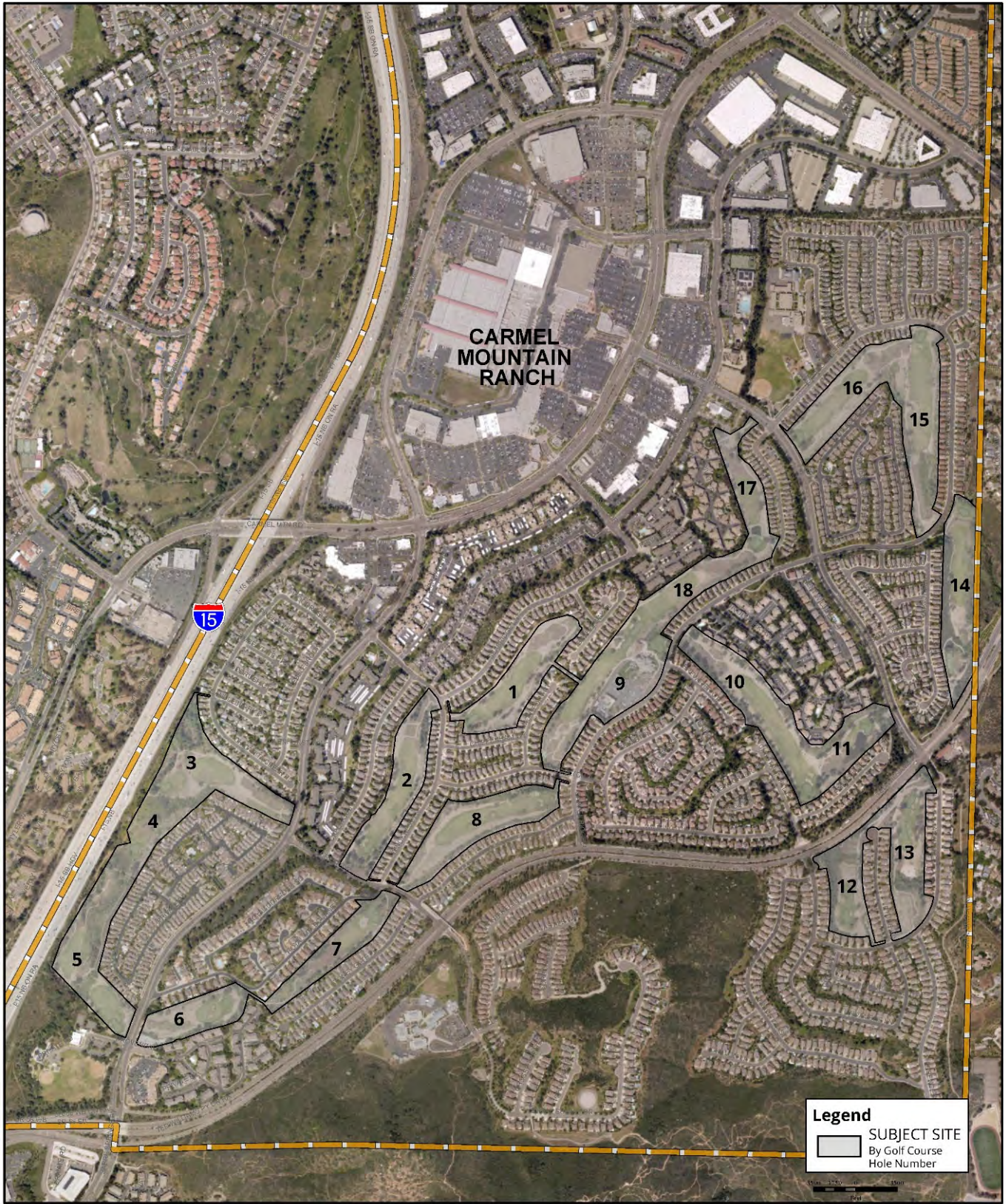




# Project Location Map

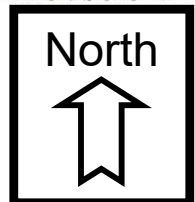
Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519

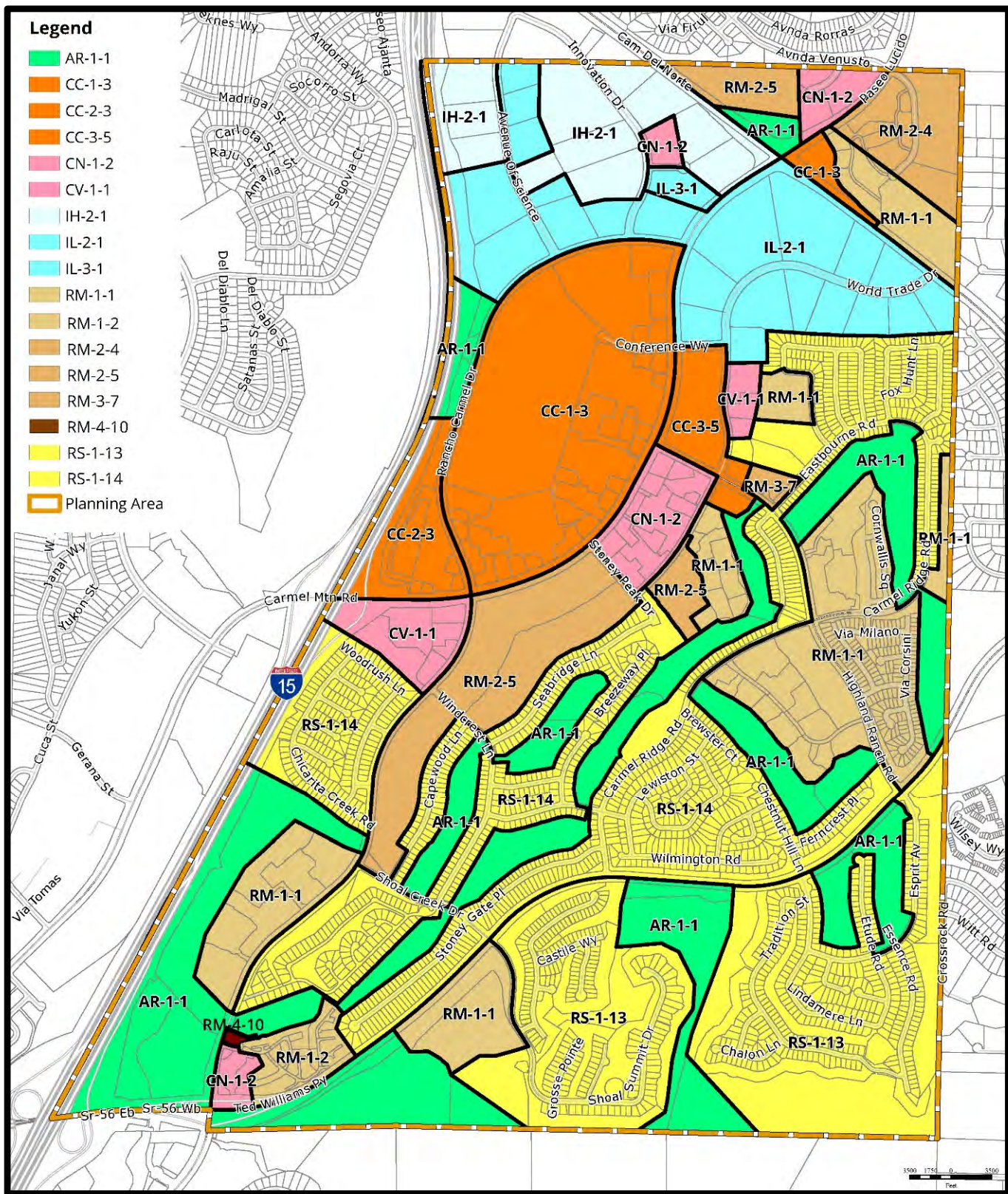




# Aerial Photograph

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519

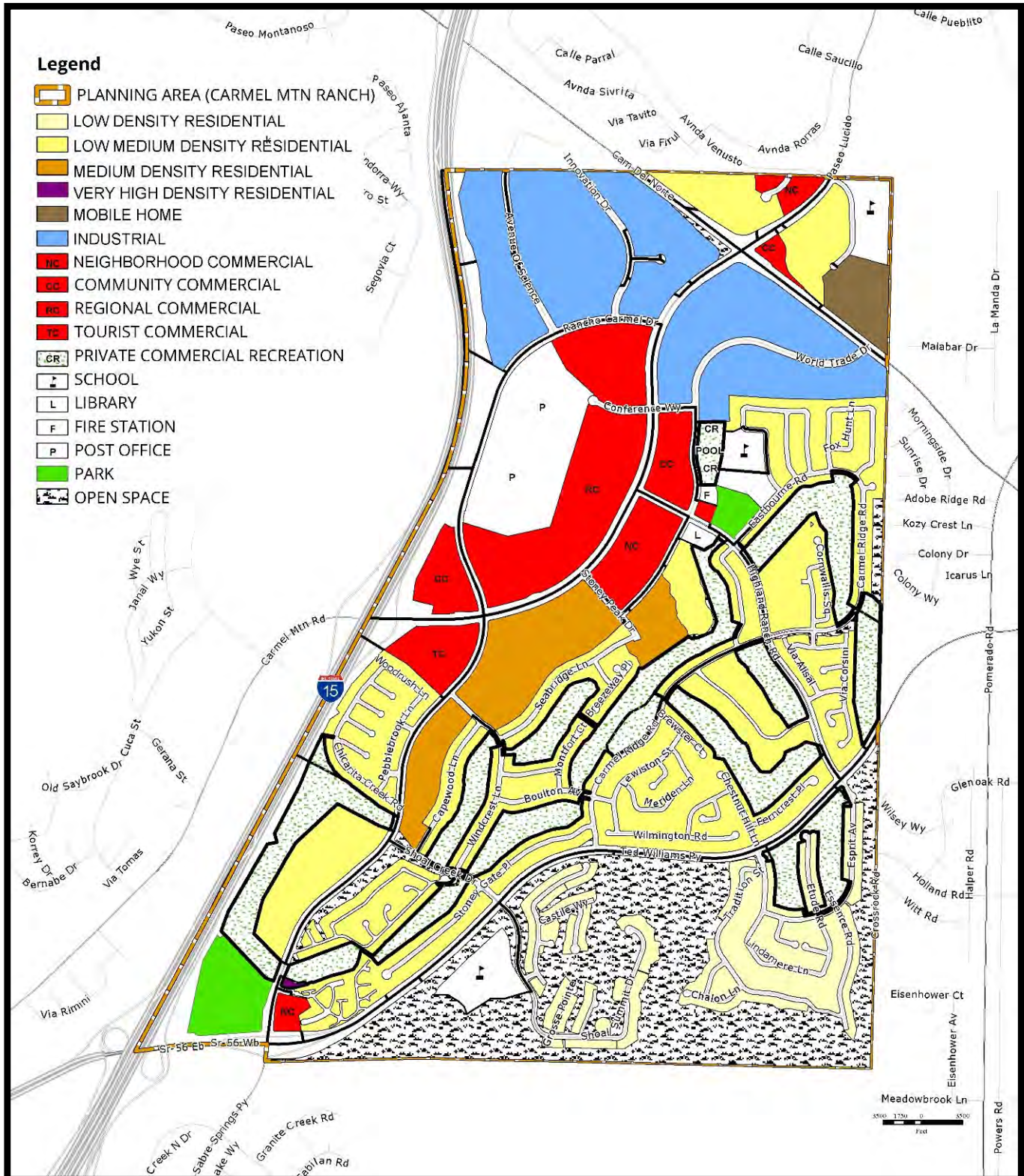




### Zoning Map

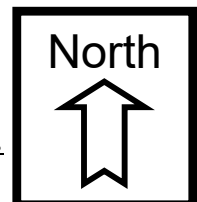
Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd.  
PROJECT NO. 652519

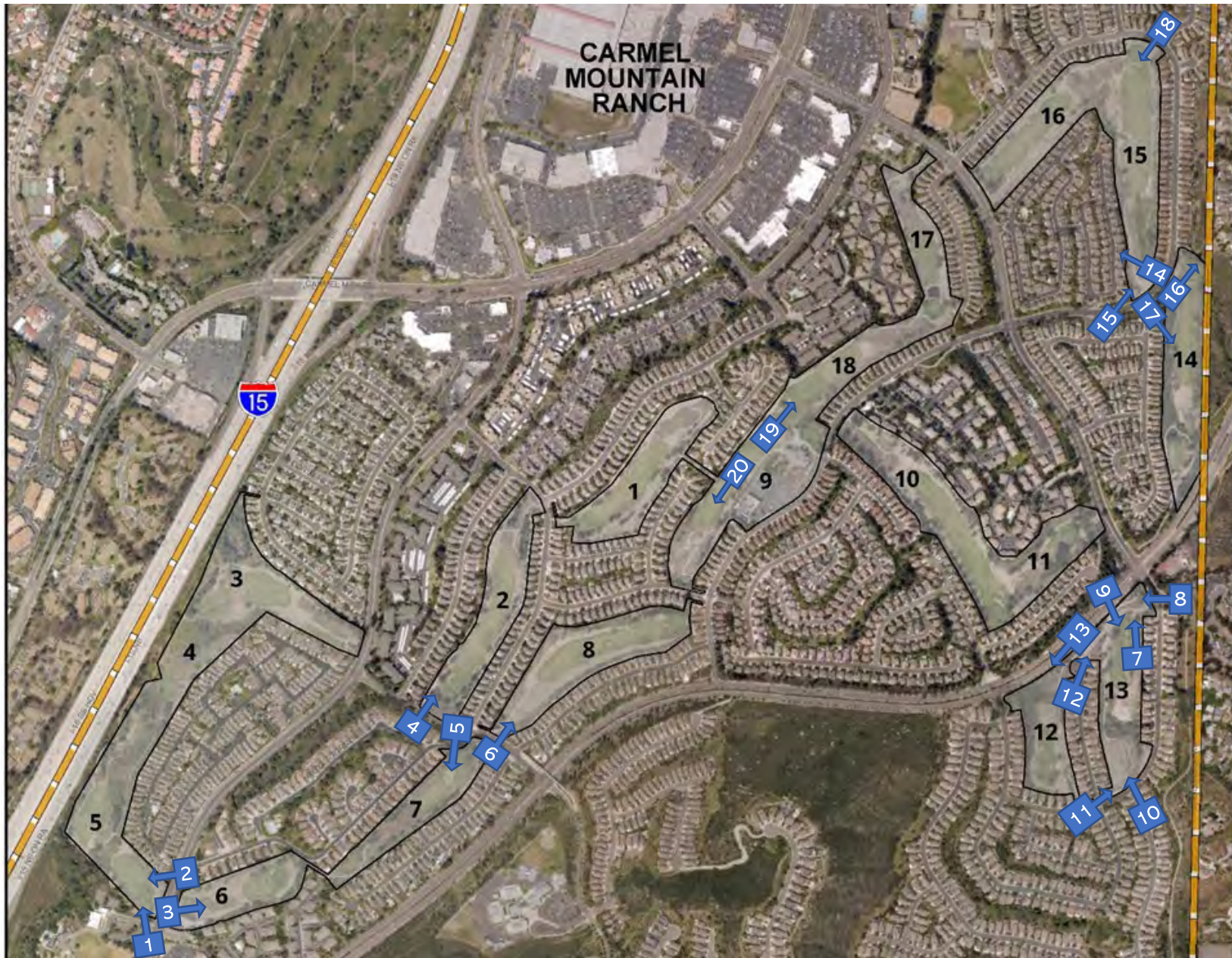




# Land Use Map

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd.  
PROJECT NO. 652519





# Photographic Survey - Key Map

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519

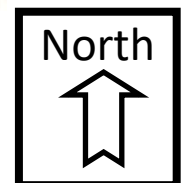




Photo 1: Northwesterly view from Rancho Carmel Drive



Photo 2: Southwesterly view from Rancho Carmel Drive



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd

PROJECT NO. 652519



Photo 3: Northeasterly view from Rancho Carmel Drive



Photo 4: Northerly view from Shoal Creek Drive



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519



Photo 5: Southerly view from Shoal Creek Drive



Photo 6: Northeasterly view from Shoal Creek Drive



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519





Photo 7: Northerly view west of homes fronting Esprit Ave.



Photo 8: Westerly view on Cart Path from Esprit Ave.



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519



Photo 9: Southeasterly view from Ted Williams Pkwy.



Photo 10: Northwesterly view near Esprit Ave./Essence Rd. Intersection



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519



Photo 11: Easterly view near Etude Rd./Esprit Ave. Intersection



Photo 12: Northerly view at end of Etude Rd. Cul-de-sac



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519



Photo 13: Southwesterly view from Etude Rd. Cul-de-sac

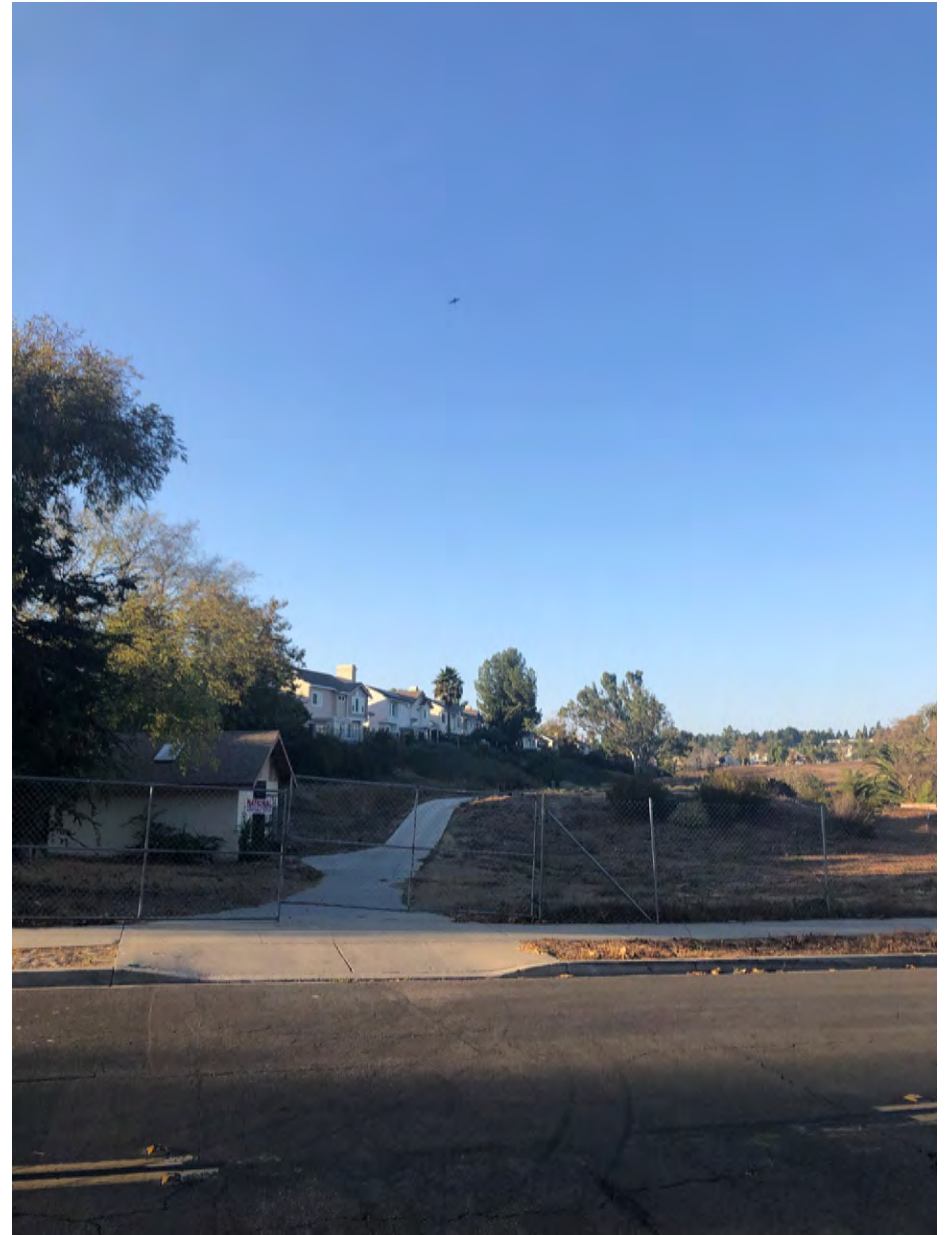


Photo 14: Northwesterly view from Carmel Ridge Rd.



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519



Photo 15: Northeasterly view from Carmel Ridge Rd.



Photo 16: Northeasterly view on Cart Path near Carmel Ridge Rd.



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519



Photo 17: Southerly view on Cart Path near Carmel Ridge Rd.



Photo 18: Southerly view near Eastbourne Rd/Summerbreeze Ln.



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd

PROJECT NO. 652519



Photo 19: Northeasterly view from Clubhouse



Photo 20: Southwesterly view from Clubhouse



## Photographic Survey

Trails at Carmel Mountain Ranch / 14050 Carmel Ridge Rd  
PROJECT NO. 652519

**PLANNING COMMISSION INITIATION APPROVAL RESOLUTION**

PLANNING COMMISSION RESOLUTION NO. 5037-PC

INITIATING AN AMENDMENT TO THE Carmel Mountain Ranch Community Plan TO REDESIGNATE LAND FROM Community Commercial-Residential Prohibited TO Residential-Medium High.

WHEREAS, on July 25<sup>th</sup> 2019, the Planning Commission of the City of San Diego held a public hearing to consider a request to amend the Carmel Mountain Ranch Community Plan to redesignate a 167-acre site located on the former Carmel Mountain Ranch Golf Course, from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Park, and Open Space uses; and

WHEREAS the 2008 General Plan will be amended as the Carmel Mountain Ranch Community Plan is a component of the adopted general plan; and

WHEREAS, the Planning Commission considered Report No. PC-19-064 as well as all maps, exhibits, evidence and testimony; NOW, THEREFORE,

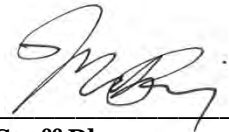
BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby initiates the requested Community Plan and General Plan Amendment based on its compliance with the initiation criteria found in policy LU-D.10 of the Land Use Element of the General Plan and specifically addressed in Report No. PC-19-064; and

BE IT FURTHER RESOLVED that the Planning Commission directs staff to consider the following issues as identified in Report No. PC-19-064:

- Appropriate land use designations, residential densities, and zoning for the site;
- Appropriate size and boundary for the amendment site;
- Site design considerations for the proposed land use designations;
- The appropriate mix and siting of active and passive uses;
- Provision of amenities, public spaces, and pedestrian-scale elements associated with the proposed development and application of urban design guidelines;
- Review of pedestrian and vehicular circulation patterns for safety and connection on the site as well as review of pedestrian/vehicular access into the property;
- Climate Action Plan consistency and sustainable development features;
- Noise attenuation measures for residential uses sited near I-15; and
- Provision of additional benefit to the community.



**BE IT FURTHER RESOLVED**, that this initiation does not constitute an endorsement of a project proposal. This action allows the future development project to become a complete submittal and will allow staff analysis to proceed.

A handwritten signature in black ink, appearing to be 'J. B. ...', written over a horizontal line.

**Staff Planner**

**Initiated: July 25, 2019**

**By a vote of: 5-1-0**

RESOLUTION NUMBER R- \_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING MASTER PLANNED DEVELOPMENT PERMIT NO. 2366508 AND SITE DEVELOPMENT PERMIT NO. 2366425 FOR THE TRAILS AT CARMEL MOUNTAIN RANCH – PROJECT NO. 652519.

WHEREAS, NUWI CMR, LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a Master Planned Development Permit and a Site Development Permit to redevelop an existing 164.5-acre, closed Carmel Mountain Ranch Country Club and associated 18-hole golf course site for a development consisting of Low-Medium Residential, Medium Residential, Community Commercial, Parks and Open Space that would include up to 1,200 residential condominiums units (including 15 percent of the total dwelling units built as affordable dwelling units for low income households), 34 open space lots, three public parks, and two commercial lots known as the Trails at Carmel Mountain Ranch project (Project) located at 14050 Carmel Ridge Road, and legally described as Parcel 1 of Parcel Map No. 15309, Parcels 1 and 2 of Parcel Map No. 15726, Parcel 1 of Parcel Map No. 15727, Parcels 1 and 2 of Parcel Map No. 15758, Parcel 4 of Parcel Map No. 15862, Parcels 1 and 2 of Parcel Map No. 16314, Parcels 1 and 2 of Parcel Map No. 16337, Parcel 1 of Parcel Map No. 16479, Parcels 1, 2, and 3 of Parcel Map No. 16647, Parcel 1 of Parcel Map 16893, Parcel 1 of Parcel Map No. 16770, Parcel 7 of Parcel Map No. 14678, Lot 4 of Carmel Mountain Ranch Unit No. 15 according to Map thereof No. 11681, Lot 101 of Carmel Mountain Ranch Unit No. 2 according to Map thereof No. 11321, Lot A of Carmel Mountain Ranch Unit No. 5A according to Map thereof No. 11527, Lot A of Carmel Mountain Ranch Unit No. 16 According to Map thereof No. 11906, Lot 11 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, and Lot 12 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, in the City of San Diego, County of San Diego, State of California, in the Carmel Mountain

## ATTACHMENT 7

Ranch Community Plan area, in the AR-1-1, RS-1-13, RS-1-14, RM-1-1, RM-2-5, and RM-3-7 Base Zones, (previously referred to as the AR-1-1, RS-1-13, RS-1-14, RM-1-1, RM-2-5, and RM-3-7 Zones) which are proposed to be rezoned to the AR-1-1, OP-1-1, RS-1-13, RM-1-1, RM-1-3, RM-2-4, RM-2-5, RM-2-6, RM-3-7, and the CC-2-1 Zones, and the Airport Land Use Compatibility Overlay Zone for Marine Corps Air Station Miramar, the Airport Influence Area for MCAS Miramar (Review Area 2), Very High Fire Hazard Severity Zone, Residential Tandem Parking Overlay Zone, Parking Standards Transit Priority Area, and Transit Priority Area Overlay Zones; and

WHEREAS, on August 5, 2021, the Planning Commission of the City of San Diego considered Planned Development Permit No. 2366508 and a Site Development Permit No. 2366425, and pursuant to Resolution No. \_\_\_\_\_-PC voted to recommend City Council approval of the Permits; and

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

WHEREAS, the matter was set for public hearing on September 14, 2021, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 2366508 and Site Development Permit No. 2366425:

**A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0605**

**1. Findings for all Planned Development Permits:**

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

The Project would redevelop the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of new infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities, on approximately 164.5 acres in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project is consistent with the General Plan's City of Villages strategy as it would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, and others), with a mix of for-sale and rental products to serve a diverse population and household size.

The Project would implement the General Plan's Land Use and Mobility Elements and the Community Plan's Housing and Transportation Elements. To comply with the General Plan's goals of permitting higher intensity horizontal mixed-use development on underutilized infill sites, the project has been designed to provide opportunities for quality, new, market rate and deed restricted housing to meet the needs of current and future City residents on vacant land centrally located near existing major employment centers, retail opportunities, recreational amenities, schools, the Carmel Mountain Ranch Library and the Metropolitan Transit System (MTS) Sabre Springs/Peñasquitos Transit Station.

The Project site is located within a Transit Priority Area (TPA) due to its proximity to the Sabre Springs/Peñasquitos Transit Station, which is located approximately 0.5 miles south of the project site. The Sabre Springs/Peñasquitos Transit Station qualifies as a Major Transit Stop because it hosts Rapid 235 and 290, which provides high-frequency service down the Interstate 15 freeway (I-15) from the Escondido Transit Center to Downtown San Diego. To encourage transit options and reduce and/or remove single-occupant vehicle trips from peak-hour traffic, the project would provide a Transportation Demand Management (TDM) plan as a benefit to future residents and the community. As a result, the project specifically implements the General Plan's Mobility goals and policies.

By integrating public gathering spaces and civic uses into the overall design, the project complies with the General Plan's Land Use, Mobility and Recreation Elements, as well as the Community Plan's Parks and Open Space and Transportation Elements. To allow for new recreational opportunities, the project includes picnic pavilions, playgrounds, tot-lots, and trails for walking and biking. The multi-use trail system, which has been designed to take advantage of the site's existing topography, would circulate throughout the project site to provide mobility and recreational opportunities for pedestrians and bicyclists.

Trails would connect to sidewalks along the proposed on-site roadways and along existing adjacent residential streets to maximize access and connectivity. Additionally, a trail staging area would provide bike racks, a trail map and rules kiosk, bike station, picnic tables, and shade areas. Trails would range from five to eight feet in width and all trails would be publicly accessible. The project also includes a community art gallery/studio that would include a café/restaurant/banquet area and dining space.

To ensure compliance with the General Plan's Environmental Justice Element and the Community Plan's Parks and Open Space Element, the Project will comply with the California Energy Code (Title 24) and California Green Building Standards Code (CALGreen), as part of the Project's conditions of approval. To meet these requirements, all new development within the Project site would include rooftop photovoltaic solar panels; energy-efficient lighting, appliances and windows; cool roofs; and other design features that would reduce energy demand, water and resource consumption, and environmental waste, and would generate renewable energy on site. In addition, the Project design calls for new tree plantings to provide shade, reduce heat island effect, increase pedestrian usability and provide protection for pavement and natural cooling opportunities.

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Housing Element as it allows a variety of architectural styles across the neighborhoods, while ensuring consistency is established in each planning neighborhood to help define a sense of place. Toward that end, the Trails at Carmel Mountain Ranch Design Guidelines (Design Guidelines) have been developed to provide a framework for future project implementation. As infill development, the project would include a minimum 50-foot buffer zone, which may include open space and landscaped areas, to ensure the project integrates fully with

the existing, surrounding homes. Architectural articulation would also be used to provide visual relief from new buildings facing existing residential developments.

Portions of the Project site are located within the Very High Fire Hazard Severity Zone (VHFHSZ). To comply with the General Plan's Urban Design and Recreation Element and the Community Plan's Parks and Open Space and Community Environment, Conservation and Design Elements, the Project includes brush management zones and fuel modification area vegetation management as determined by the San Diego Fire Rescue Department and pursuant to the project-specific Brush Management Plan. The Project will use drought-tolerant, naturalized landscaping to replace the dead and dying vegetation associated with the vacant golf course and reduce water usage for irrigation; complies with all applicable local, regional, state, and federal requirements related to fire safety, emergency access, and evacuation plans; and it incorporates building materials, setbacks, water supply, hydrants, fire-flow, and defensible space suitable for development in fire hazard areas.

New trees would be planted on the Project site in accordance with the project-specific Design Guidelines and existing trees would be retained where feasible. The project will reduce the use of pesticides, herbicides, and synthetic fertilizers for pest management and maximize pervious surfaces wherever feasible, and it has been designed to include on-site biofiltration and hydromodification features to reduce stormwater runoff. All potential biological impacts would be mitigated to ensure the project complies with the General Plan's Urban Design and Conservation Elements and the Community Plan's Environment, Conservation and Design Element.

The Project's potential short-term construction and long-term operational impact on nearby noise-sensitive land uses would be mitigated to ensure compliance with the General Plan's Noise Element. Likewise, any potential cultural resource and Tribal Cultural Resource (TCR) impacts will be fully mitigated to ensure consistency with the Historic Preservation Element. In addition, the Project will not adversely impact existing levels of public services in the area, nor will it require new public facilities as any new infrastructure needed to serve the project would be connected to existing infrastructure. The project would be adequately served by nearby public services.

Finally, the Project has been designed to comply with the General Plan's Housing Element. The 6th Cycle Housing Element, which identified the site as Vacant - Community Plan Amendment (CPA) in Process, determined the site's net potential unit value at 1,200 dwelling units. Moreover, the central objective of the Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and economic appeal." The project would include 15 percent of the total dwelling units constructed as deed-restricted units to low income households with rents that do not exceed 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years, consistent with the General Plan and Community Plan's Housing Element goals and policies in this community.

Therefore, with the adoption of the amendments to the General Plan, Community Plan amendment and Rezone, the proposed subdivision will not adversely affect the applicable land use plan.

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

The Project would redevelop the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities, on approximately 164.5-acres in the community of Carmel Mountain Ranch.

The General Plan designates the project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. The Project includes a request for a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks. The Project also includes a request for a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project site is primarily characterized by disturbed fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e. dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

The Project is not within a coastal beach or bluff area, nor does it contain 100-year floodplains. The project site is not located on any known, potentially active, or inactive fault traces, or Seismic Hazard Zones, as demonstrated in the Geotechnical Investigation prepared for the site.

A Water Supply Assessment (WSA) Report for the project was prepared to evaluate if sufficient water supplies would be available to meet the projected water demands of the project. The WSA concluded that current and future water supplies to serve the projected demands of the project, as well as the actions necessary to develop these supplies, have been identified in the water resource planning documents of the City's Public Utilities Department, the County Water Authority (SDCWA), and the Metropolitan Water District (MWD).

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039003, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the project would result in potentially significant impacts to

Biological Resources, Historical Resources, Noise, Tribal Cultural Resources and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which has been codified as a project permit condition, would mitigate these impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

The Project permit includes specific requirements to ensure compliance with the regulations of the Land Development Code (LDC) that have been adopted to protect the public health, safety, and welfare. Permit requirements include submitting an updated geotechnical report that addresses the construction plans; assuring by permit and bond plans for the revegetation and hydro-seeding of all disturbed lands and required brush management; obtaining an Encroachment Maintenance Removal Agreement for all private storm drain systems and connections, landscape and irrigation located in the public right-of-way; assuring by permit and bond the design and construction of all required public water and sewer facilities; and installation of private back flow prevention devices.

The Project will comply with the development conditions in effect for the subject property as described in Planned Development Permit No. 2366508 and Site Development Permit No. 2366425, and other regulations and guidelines pertaining to the subject property per the SDMC for the site. Prior to issuance of any building permit for the proposed project, the plans shall be reviewed by City staff to ensure compliance with all building, electrical, mechanical, plumbing and fire code requirements, and the Owner/Permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction would be enforced through building inspections completed by the City's building inspectors.

Therefore, the proposed development would not be detrimental to the public health, safety, and welfare.

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

The Project would redevelop the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities, on approximately 164.5-acres in the community of Carmel Mountain Ranch.



The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. The Project includes a request for a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks. The Project also includes a request for a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The project complies with the Land Development Code (LDC) floor area ratio, parking, landscaping requirements, and all other development standards except in three instances. The following deviations are requested to allow for the development of a more desirable project:

<b>Proposed Deviations</b>		
<b>Development Regulation</b>	<b>Required/Allowed</b>	<b>Proposed</b>
<b>Structure Height Deviations</b>		
SDMC 131.0431 for structure height in the RM-1-1, RM-1-3, RM 2-4, RM 2-5, RM 2-6 and RM 3-7 lots	<u>30 feet</u> (RM 1-1 and RM 1-3) <u>40 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)	<u>37 feet</u> (RM 1-1 and RM 1-3) <u>48 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)
<b>Minimum Lot Dimensions Deviations</b>		
SDMC Section 131.0331 for minimum lot area, minimum lot width, minimum lot depth and minimum street frontage in the AR-1-1 Zone	Min. Lot Area 10 acres Min. Lot Width 200 feet Min. Lot Depth 200 feet Min. Street Frontage 200 feet	Minimum Lot Area 0.1 acres Minimum lot width 50 feet Minimum Lot Depth 50 feet Minimum Street Frontage 50 feet
<b>Minimum Street Frontage Deviation</b>		
SDMC Section 131.0531 for CC-2-1 lots	Minimum Street Frontage 50'	Minimum street frontage will be 0'

**Structure Height Deviation:** The Project was designed to maximize density and facilitate clustering to ensure that portions of the site could be preserved as open space. As a result, residential zones with low overall density were selected. However, to ensure that the Project would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale, rental, and age-restricted market-rate and affordable product in compliance with the General Plan and Community Plan, the structure height deviation is required to allow a greater building height.

**Minimum Lot Dimensions Deviation:** Some undeveloped property onsite will be included in open space lots that will act as buffer between the new infill residential development and the surrounding community. These open space lots do not comply with the minimum lot dimension requirements of the AR-1-1 zone. Therefore, the requested deviation is necessary to allow the project, which has been designed to comply with the General Plan's Urban Design Element and the Community Plan's Housing Element and subject to the Design Guidelines and the parameters of the Master PDP, to fully integrate with the existing residential uses. The open space buffer lots, which will be a minimum of 50 feet wide, will be subject to a Condition of Approval which prohibits structures from being erected within any open space buffer lot.

**Minimum Street Frontage Deviation:** Unit 17, Lot 2 includes a community art center. The parcel does not front on a public street, so the requested deviation is necessary to allow vehicular access from a private driveway in Unit 17, Lot 1 and pedestrian access from the nearest public street, Highland Ranch Road. The community art center presents a new public gathering space that will be unique to the Carmel Mountain Ranch community in furtherance of the General Plan's Land Use and Recreation Elements, as well as the Community Plan's Parks and Open Space Element.

Collectively, these deviations allow for a development that will service a diverse and mixed population and household size in compliance with the General Plan and Community Plan's Housing Elements.

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

**B. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0505**

**1. Findings for all Site Development Permits SDMC Section 126.0505(a):**

- a. The proposed development will not adversely affect the applicable land use plan.**

See Planned Development Permit finding A.1. a.

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

See Planned Development Permit finding A.1. b.

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

See Planned Development Permit finding A.1. c.

**2. Supplemental Findings – Environmentally Sensitive Lands SDMC Section 126.0505(b):**

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

The Project would redevelop the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of new infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities, on approximately 164.5 acres in the community of Carmel Mountain Ranch.

The Project site is primarily characterized by disturbed, fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e., dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

Topographically, the Project site consists of gently to moderately sloping terrain. The Project site is underlain by surficial deposits such as golf course fill, topsoil, alluvium and colluvium, and weathered bedrock. The Project site is not located on any known, potentially active, or inactive fault traces, or Seismic Hazard Zones, as demonstrated in the Geotechnical Investigation prepared for the site. Additionally, per the Geotechnical Investigation prepared for the Project site, no soils or geologic conditions were encountered that would preclude the development of the Project site as proposed, the potential for liquefaction at the site is considered to be negligible due to the dense formational material encountered, the remedial grading recommendations, and the lack of shallow groundwater. Therefore, the Project site is physically suitable for the development with incorporation of the recommendations outlined in the geotechnical investigation. A mandatory geotechnical report will be prepared in accordance with the City's "Guidelines for Geotechnical Reports" and will be reviewed by the Geology Section of the

Development Services Department. The report must adequately demonstrate the Project's compliance with the California Building Code and any applicable geologic hazards regulations.

The project site lies outside of the City's Multi-Habitat Planning Area (MHPA). However, the project site is within the City Multiple Specific Conservation Program (MSCP) Subarea Plan and includes designated environmentally sensitive lands (ESL) in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity to the control of invasive species and brush management. Area Specific Management Directives (ASMD) were developed for certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the project area. All ASMD for those species will be adhered to and the project will comply with the ASMD for MSCP covered species with a potential to occur within the project site.

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039003, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which has been codified as a project permit condition, would mitigate these impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR. Additionally, cumulative impacts associated with Transportation/Circulation and Population and Housing would be significant and unavoidable, as described in the EIR

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, and implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance.

Therefore, the Project would be sited and designed to prevent adverse impacts on, and result in minimum disturbance to environmentally sensitive lands.

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

The Project would redevelop the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of new infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities, on approximately 164.5 acres in the community of Carmel Mountain Ranch.

The site is primarily characterized by disturbed, fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e., dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

Topographically, the Project site consists of gently to moderately sloping terrain. The Project site is underlain by surficial deposits such as golf course fill, topsoil, alluvium and colluvium, and weathered bedrock. The Project site is not located on any known, potentially active, or inactive fault traces, or Seismic Hazard Zones, as demonstrated in the Geotechnical Investigation prepared for the site. Additionally, per the Geotechnical Investigation prepared for the Project site, no soils or geologic conditions were encountered that would preclude the development of the Project site as proposed, the potential for liquefaction at the site is considered to be negligible due to the dense formational material encountered, the remedial grading recommendations, and the lack of shallow groundwater. Therefore, the Project site is physically suitable for the development with incorporation of the recommendations outlined in the geotechnical investigation. A mandatory geotechnical report will be prepared in accordance with the City's "Guidelines for Geotechnical Reports" and will be reviewed for adequacy by the Geology Section of the Development Services Department. The report must adequately demonstrate the Project's compliance with the California Building Code and any applicable geologic hazards regulations.

The project site lies outside of the City's Multi-Habitat Planning Area (MHPA). However, the project site is within the City Multiple Specific Conservation Program (MSCP) Subarea Plan and includes designated environmentally sensitive lands (ESL) in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity to the control of invasive species and brush management. Area Specific Management Directives (ASMD) were developed for certain MSCP covered species as a condition of coverage in the MSCP. The

conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the project area. All ASMD for those species will be adhered to and the project will comply with the ASMD for MSCP covered species with a potential to occur within the project site.

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, and implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance. A Stormwater Quality Management Plan that includes BMPs, i.e., on-site biofiltration and hydromodification features, has been developed to maintain natural drainage features and minimize potential impacts to storm drain facilities.

Any short-term erosion and sedimentation impacts associated with Project development would be addressed through conformance with applicable elements of the City storm water program and related National Pollutant Discharge Elimination System (NPDES) standards. Additionally, the Project would implement an approved Stormwater Pollution Prevention Plan and related plans, and best management practices (BMPs), including appropriate measures, to address erosion and sedimentation.

Portions of the Project site are located within the Very High Fire Hazard Severity Zone (VHFHSZ). To comply with the General Plan's Urban Design and Recreation Element and the Community Plan's Parks and Open Space and Community Environment, Conservation and Design Elements, the Project includes brush management zones and fuel modification area vegetation management as determined by the San Diego Fire Rescue Department and pursuant to the project-specific Brush Management Plan. The Project will use drought-tolerant, naturalized landscaping to replace the dead and dying vegetation associated with the vacant golf course and reduce water usage for irrigation; complies with all applicable local, regional, state, and federal requirements related to fire safety, emergency access, and evacuation plans; and it incorporates building materials, setbacks, water supply, hydrants, fire-flow, and defensible space suitable for development in fire hazard areas.

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

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

As outlined in Planned Development Permit Finding A.1.a listed above, the Project would redevelop the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of new infill neighborhoods

with a variety of housing options and interrelated open space, recreation, and trail amenities, on approximately 164.5 acres in the community of Carmel Mountain Ranch.

The General Plan designates the project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The site is primarily characterized by disturbed, fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e., dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039003, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which has been codified as a project permit condition, would mitigate these impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

The project site lies outside of the City's Multi-Habitat Planning Area (MHPA). However, the project site is within the City Multiple Specific Conservation Program (MSCP) Subarea Plan and includes designated environmentally sensitive lands (ESL) in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity to the control of invasive species and brush management. Area Specific Management Directives (ASMD) were developed for

certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the project area. All ASMD for those species will be adhered to and the project will comply with the ASMD for MSCP covered species with a potential to occur within the project site.

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**d. 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).**

The site is primarily characterized by disturbed, fallow land previous utilized as a golf course. The hydrology and vegetation composition of the site have changed since golf course operations ceased. The majority of the site includes overgrowth of weeds and existing plant materials.

The Project site not subject to the MSCP Subarea Plan or the VPHCP. Therefore, the proposed development will be consistent with the MSCP Subarea Plan and the VPHCP.

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

The Project site is situated inland approximately 5 miles from the Pacific Ocean, east of Interstate 15, and is not located adjacent to any beaches or shorelines. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039003, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which has been codified as a project permit condition, would mitigate these impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.



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, except as noted for impacts related to transportation and public services and facilities (library), which will remain significant and unmitigated even after the implementation of all feasible mitigation.

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

BE IT FURTHER RESOLVED, that Master Planned Development Permit No. 2366508 and Site Development Permit No. 2366425 are granted to NUWI CMR, LLC, a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution, and contingent upon final passage of Resolution No. R-\_\_\_\_\_ approving amendments to the General Plan and Carmel Mountain Ranch Community Plan..

APPROVED: MARA W. ELLIOTT, City Attorney

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

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

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

INTERNAL ORDER NUMBER: 24008465

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 2366425  
MASTER PLANNED DEVELOPMENT PERMIT NO. 2366508  
**TRAILS AT CARMEL MOUNTAIN RANCH PROJECT NO. 652519 [MMRP]**  
CITY COUNCIL

This Site Development Permit No. 2366425 and Master Planned Development Permit No. 2366508 (Permit) is granted by the City Council of the City of San Diego to PACS Enterprises, LLC, Owner and NUWI CMR, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0501 and 126.0601. The 164.5 -acre site is located at 14050 Carmel Ridge Road in the AR-1-1, RS-1-13, RS-1-14, RM-1-1, RM-2-5, and RM-3-7 Base Zones, Airport Land Use Compatibility Overlay Zone for Marine Corps Air Station Miramar, the Airport Influence Area for MCAS Miramar (Review Area 2), Very High Fire Hazard Severity Zone (Very High FHSV), Residential Tandem Parking Overlay Zone, Parking Standards Transit Priority Area, and Transit Priority Area Overlay zones of the Carmel Mountain Ranch Community Plan. The project site is legally described as Parcel 1 of Parcel Map No. 15309, Parcels 1 and 2 of Parcel Map No. 15726, Parcel 1 of Parcel Map No. 15727, Parcels 1 and 2 of Parcel Map No. 15758, Parcel 4 of Parcel Map No. 15862, Parcels 1 and 2 of Parcel Map No. 16314, Parcels 1 and 2 of Parcel Map No. 16337, Parcel 1 of Parcel Map No. 16479, Parcels 1, 2, and 3 of Parcel Map No. 16647, Parcel 1 of Parcel Map 16893, Parcel 1 of Parcel Map No. 16770, Parcel 7 of Parcel Map No. 14678, Lot 4 of Carmel Mountain Ranch Unit No. 15 according to Map thereof No. 11681, Lot 101 of Carmel Mountain Ranch Unit No. 2 according to Map thereof No. 11321, Lot A of Carmel Mountain Ranch Unit No. 5A according to Map thereof No. 11527, Lot A of Carmel Mountain Ranch Unit No. 16 According to Map thereof No. 11906, Lot 11 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, and Lot 12 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to redevelop an existing closed 18-hole golf course with up to 1,200 multi-family residential units and a mix of open space and recreational areas described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, on file in the Development Services Department.

The project shall include:

- a. The redevelopment of an existing closed 18-hole golf course that includes:
  - 1. New residential development of up to 1,200 dwelling units with 15 percent of dwelling units to be deed-restricted affordable units.
  - 2. Development of approximately 6,000 square feet of community commercial amenities that may include an art studio, a café/restaurant/banquet area with a kitchen, and a watchkeeper quarters;
  - 3. Approximately 111 acres of various recreational amenities to include approximately 5 miles of a privately owned and publicly accessible trail system with connections to sidewalks along the proposed on-site roadways and along existing adjacent residential streets, parkland, and open space;
  - 4. Development consistent with The Trails at Carmel Mountain Ranch Design Guidelines.
  
- b. Allowable deviations from the development regulations pursuant to the Table below:

<b>Proposed Deviations</b>		
<b>Development Regulation</b>	<b>Required/Allowed</b>	<b>Proposed</b>
<b>Structure Height Deviations</b>		
SDMC § 131.0431 for structure height in the RM-1-1, RM-1-3, RM 2-4, RM 2-5, RM 2-6 and RM 3-7 lots	<u>30 feet</u> (RM 1-1 and RM 1-3) <u>40 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)	<u>37 feet</u> (RM 1-1 and RM 1-3) <u>48 feet</u> (RM 2-4, RM 2-5, RM 2-6 RM 3-7)
<b>Minimum Lot Dimensions Deviations</b>		
SDMC § 131.0331 for minimum lot area, minimum lot width, minimum lot depth and minimum street frontage in the AR-1-1 Zone	Min. Lot Area 10 acres Min. Lot Width 200 feet Min. Lot Depth 200 feet Min. Street Frontage 200 feet	Minimum Lot Area 0.1 acres Minimum lot width 50 feet Minimum Lot Depth 50 feet Minimum Street Frontage 50 feet
<b>Minimum Street Frontage Deviation</b>		
SDMC § 131.0531 for CC-2-1 lots	Minimum Street Frontage 50 feet	Minimum street frontage 0 feet

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**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 September 14, 2024.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of

San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA.

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

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

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

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

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

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

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] for Environmental Impact Report (EIR) No. 652519 (SCH #2020039006) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in EIR No.652519 (SCH #2020039006), shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in EIR No.652519 (SCH #2020039006), to the satisfaction of the Development Services Department and the City Engineer and/or Mitigation Monitoring Coordination, as applicable. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- **Biological Resources**
- **Historical Resources**
- **Noise**
- **Public Utilities**
- **Transportation**
- **Tribal Cultural Resources**

**CLIMATE ACTION PLAN REQUIREMENTS:**

16. The Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit for a building, 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:**

17. Prior to issuance of any construction permit for a building, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of SDMC Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the SDMC. The Agreement will specify that in exchange for the City's approval of the Project, the Owner/Permittee shall provide 15% of the total units built, with rents of no more than 30% of 60% of Area Median Income (AMI) for no fewer than 55 years.

**ENGINEERING REQUIREMENTS:**

18. The Owner/Permittee shall comply with all conditions of the Final Map for the Vesting Tentative Map No. 2366422.
19. Prior to the issuance of any construction permit for buildings, the Owner/Permittee shall widen all public storm drain easements based on current City of San Diego Drainage Design Manual satisfactory to City Engineer.
20. Prior to the issuance of any construction permit for buildings, the Owner/Permittee shall assure by permit and bond, to remove the existing vehicular access on Carmel Ridge Road and replace it with a City standard driveway, satisfactory to City Engineer.
21. Prior to issuance of any construction permit for buildings, the Owner/Permittee shall reconstruct existing curb ramps at the northwest and northeast corners of Shoal Creek Road and Windcrest Lane, with current City Standard curb ramps to satisfaction of the City Engineer.
22. Prior to the issuance of any construction permit for buildings, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for connecting private storm drain within the public storm drain easement.
23. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

**GEOLOGY REQUIREMENTS:**

25. Prior to the issuance of any construction permit (either grading or building permit), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addressed the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

**LANDSCAPE REQUIREMENTS:**

26. Prior to issuance of any construction permit for grading within Units 9, 11, 12, 13, 15 or 16, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed and previously disturbed land associated with the area of grading 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), Exhibit "A" on file in the Development Services Department, and the phasing schedule included therein.

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

28. Prior to issuance of a construction permit for a building (including shell) within each respective development unit, the Owner/Permittee shall submit complete landscape and irrigation construction documents that demonstrate revegetation, landscaping and irrigation of the new proposed slopes, greenbelts and open space, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Landscape Development Plan of Exhibit "A" on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per SDMC Section 142.0403(b)5.

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

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

31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee (or another entity approved by the Development Services Department, including but not limited to, a subsequently formed HOA) 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.

32. A minimum 20-foot wide landscape buffer shall be provided adjacent to the property lines shared with existing single-family residences at Unit 7, Lot 1; Unit 16, Lot 2; and upon Unit 13, Lot 1 where Neighborhood Parks are proposed. The landscape buffers shall be established in conjunction with the General Development Plans for these parks.

33. Native plants shall be locally indigenous. Prior to off-loading nursery products from delivery trucks and prior to installation of common landscape improvements, container plants shall be inspected by the Project Biologist for the presence of disease, weeds, and pests, including Argentine ants. Plants with pests, weeds, or diseases shall be rejected.



**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

34. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.
35. Prior to issuance of a construction permit for grading, within each respective development unit, landscape construction documents for the subject development unit shall be submitted showing the brush management zones in that respective development unit in substantial conformance with Exhibit "A" on file in the Development Services Department.
36. Prior to issuance of each construction permit for a building within each respective development unit, a Brush Management Program for the subject development shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.
37. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.
38. The Brush Management Program shall be based on a Zone One standard of 35 feet in width and a Zone Two standard of 65 feet in width, exercising the expanded Zone Two option and Alternative Compliance measures set forth under SDMC Sections 142.0412(i), and 142.0412(j).
39. Proposed alternative compliance measures shall include a 20-foot to 50-foot Extended Protective Brush Thinning Zone supported by a Fire Fuel Load Modeling Report [EIR No. 652519 (SCH #2020039006), Appendix D] on Units 4,12,13, and 16 as demonstrated on Exhibit "A" on file in the Development Services Department where Zone Two does not extend beyond the wetlands. The Extended Protective Brush Thinning Zone shall be maintained in accordance with Zone Two requirements per SDMC section 142.0412(h).
40. A 5-foot "no touch" zone from the edge of the dripline of any jurisdictional wetland waters shown on the approved Exhibit "A" on file in the Development Services Department shall be staked and demarcated with signage to prevent encroachment of brush management zone 2 activities within that 5-foot "no touch" zone.
41. The existing Eucalyptus trees that line the golf course fairway adjacent to the rear property lines of the existing residential properties within Unit 7, shall be properly maintained by creating vertical separation from the ground cover vegetation below the tree's crown in accordance with the Landscape Standards of the Land Development Manual and SDMC Section 142.0412.

**FIRE LIFE AND SAFETY REQUIREMENTS:**

42. Prior to the issuance of any construction permit for grading within each respective development unit, the Owner/Permittee shall submit a Fire Access Plan for the subject development unit for approval by the Fire Marshal.

43. The Owner/Permittee shall maintain the emergency access road and bollards, if any, to the satisfaction of the Fire Marshal.

**PLANNING/DESIGN REQUIREMENTS:**

44. The project shall comply with the California Energy Code (Title 24) and California Green Building Standards Code (CALGreen), including rooftop photovoltaic solar panels, energy-efficient lighting and appliances, cool roofs, and energy-efficient windows.

45. Automobile, motorcycle and bicycle parking spaces shall be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

46. 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.

47. The proposed privately-owned and publicly accessible trail network shall not extend into ESL or ESL buffers. The Owner/Permittee shall install signage and fencing at trail heads to prevent public access to the restricted portions of the trail network.

48. Owner/Permittee shall submit plans for each respective development unit for Substantial Conformance Review (SCR) in accordance with SDMC Section 143.0480 (b) and (c). The SCR shall be reviewed for compliance with the minimum standards of Exhibit "A" on file with the Development Services Department, including the Trails at Carmel Mountain Ranch Design Guidelines.

49. Conformance with the applicable supplemental requirements outlined in SDMC Sections 143.0410 and 143.0420 shall be demonstrated by the Owner/Permittee for each residential development prior to issuance of construction permit for a building. An open space exhibit shall be provided at the time of SCR to demonstrate open space compliance.

50. Permitted uses in the AR-1-1 Zone shall be limited to recreational uses. Agricultural and Residential uses are not permitted in the AR-1-1 Zone.

51. Prior to recordation of each final map associated with a development unit, the Owner/Permittee shall execute and record a Covenant of Easement (COE) which ensures preservation of the ESL within the subject development unit that are outside the allowable development area on the premises as shown on Exhibit "A" on file in the Development Services Department, in accordance with SDMC Section 143.0152. The COE shall restrict the subject area to a passive state, with the exception of the control of invasive species, and brush management zones. The COE shall include a legal description and an illustration of the premises showing the development area and the ESL as shown on Exhibit "A" on file in the Development Services Department.

52. Prior to issuance of the first construction permit for a building, the Owner/Permittee shall make a payment of \$396 into the Library Improvements Fund, Fund No. 200369 for each residential dwelling unit in that development unit as shown on the approved Substantial Conformance Review. The \$396 fee will be adjusted each July 1st, starting July 1, 2022, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record. For any development unit that has not received a construction permit for a building within 4 years of the first construction permit for a building, the Owner/Permittee shall make a payment of \$396 for each residential dwelling unit as shown on an approved Substantial Conformance Review or, if no Substantial Conformance Review has been approved, then the payment shall be made for the number of dwelling units as shown on the Vesting Tentative Map. This amount is to represent the project's share of the cost in Fiscal Year 2021 dollars for Carmel Mountain Ranch Library facility improvements based upon the addition of those dwelling units.
53. All signs associated with the project shall be consistent with sign criteria established by either the approved Exhibit "A" on file in the Development Services Department or the Carmel Mountain Ranch Special Sign District Guidelines, filed in the Office of the City Clerk on July 1, 1985 as Document OO-16456-2.
54. 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.
55. The Owner/Permittee shall comply with the Waste Management Plan dated July 2020 which shall be enforced to the satisfaction of the Environmental Services Department.
56. Any construction equipment over 75 horsepower shall meet an average Environmental Protection Agency (EPA) Tier 4 Final emission standard or better. If a Tier 4 Final piece of equipment is not reasonably available at the time of construction and a lower tier piece of equipment is used instead (e.g., Tier 4 Interim or Tier 3), another piece of equipment shall be upgraded from a Tier 4 Final to an alternative-fuel (not diesel) to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final standards.
57. Air intake vents on residential buildings shall be located such that they do not face the Interstate 15 (I-15) Freeway and are as far from the I-15 Freeway as practicable to reduce emissions from the nearby I-15 Freeway impacting future project residents.
58. The project shall only include natural-gas fireplaces; no wood stoves or wood-burning fireplaces are permitted.
59. Active construction sites shall be watered at least three times daily.
60. Prior to demolition of any structures present on site, a hazardous building materials survey shall be conducted by a California Department of Public Health (DPH)-certified asbestos consultant and/or certified site surveillance technician and a California DPH-certified lead inspector/risk assessor or sampling technician.

61. Prior to the first pre-construction meeting or issuance of any construction permit, whichever is applicable, the Owner/Permittee shall submit evidence of a concurrence letter issued by the County of San Diego Department of Environmental Health (DEH) Voluntary Assistance Program (VAP) identifying that the technical information, findings and recommendations submitted to DEH as they pertain to the project site have been reviewed and accepted.

62. The project is subject to SDMC Section 142.0151 and paleontological monitoring shall be required as outlined therein.

63. Prior to the issuance of any construction permit the Owner/Permittee shall cease operation of the existing clubhouse located at 14050 Carmel Ridge Road and rescind Conditional Use Permit (CUP) No. 87-0568.

**PARKS AND RECREATION REQUIREMENTS:**

64. The Owner/Permittee shall provide a maximum of 7.87 acres of population-based park land within the project boundaries.

65. The Owner/Permittee shall provide Neighborhood Parks on Unit 7 Lot 1, Unit 13 Lot 1, and Unit 16 Lot 2 within the project as shown on the Exhibit "A" on file in the Development Services Department to satisfy the population-based park requirement of 6.62 acres based on a total build out of 1,200 residential units.

66. In recognition of the 1.25 acres of Neighborhood Park in excess of the population-based park requirement, the Owner/Permittee shall not be required to pay an ad hoc fee for the proposed development's pro rata share of the cost of a recreation center and aquatic complex.

67. Proposed privately owned and publicly accessible trails identified on the Exhibit "A" on file in the Development Services Department shall be constructed, repaired and maintained in perpetuity by the Owner/Permittee (or another entity approved by the Development Services Department, including but not limited to, a subsequently formed HOA) in a condition suitable for biking, walking and running activities per current City Standards, satisfactory to the Parks and Recreation Department Director and City Engineer.

68. Existing privately owned and publicly accessible trails identified on Exhibit "A" on file in the Development Services Department shall be repaired and maintained in perpetuity by the Owner/Permittee (or another entity approved by the Development Services Department, including but not limited to, a subsequently formed HOA) in a condition suitable for biking, walking and running activities per current City Standards, satisfactory to the Parks and Recreation Department Director and City Engineer.

69. Any landscaping along the proposed privately owned and publicly accessible trails shall be set back and maintained at least 3 feet from one edge of the trail to provide an ungraded mulched shoulder where feasible.

70. The privately owned and publicly accessible trails within Unit 10 which are to remain ungraded, identified on the approved Exhibit "A" on file in the Development Services Department shall be repaired and maintained in perpetuity by the Owner/Permittee (or another entity approved by the Development Services Department, including, but not limited to a subsequently formed HOA) to meet the City's Parks and Recreation Department minimum primitive Trail Standards per Appendix E in the Parks and Recreation Department's "Consultants Guide to Park Design and Development", satisfactory to the Parks and Recreation Department Director and City Engineer.

71. Prior to construction of the Neighborhood Parks on Unit 7 Lot 1, Unit 13 Lot 1, or Unit 16 Lot 2, the Owner/Permittee shall prepare and obtain approval of a General Development Plan for park use and design in conformance with City of San Diego Council Policy 600-33, COMMUNITY NOTIFICATION AND INPUT FOR CITY-WIDE PARK DEVELOPMENT PROJECTS, and the Parks and Recreation Department's "Consultant's Guide to Park Design and Development", satisfactory to the Parks and Recreation Department Director and City Engineer.

72. Development costs associated with the Neighborhood Parks on Unit 7 Lot 1, Unit 13 Lot 1, or Unit 16 Lot 2 include hard cost (site preparation, utilities, landscaping, irrigation, concrete flatwork, lighting, park equipment, and water meter and capacity fees), and soft cost (design consultants, soils testing and inspections special testing and inspections, City charges for plan review and approval, City charges for inspections, City Administrative costs, insurance and bonds, and Owner/Permittee's administrative costs). A contingency of 10% of hard and soft costs shall be included within the maximum cost.

- a. The Neighborhood Park in Unit 16 Lot 2 (2.59 acres) shall have a maximum cost of \$1,500,000 per acre or \$3,885,000 in total and shall be subject to adjustment from the effective date of this Permit to the date of building permit issuance for the subject park, according to the Construction Cost Index in Los Angeles as published monthly in the "Engineering New-Record".
- b. The Neighborhood Park in Unit 7 Lot 1 (3.38 acres) shall have a maximum cost of \$1,500,000 per acre or \$5,070,000 in total and shall be subject to adjustment from the effective date of this Permit to the date of building permit issuance for the subject park, according to the Construction Cost Index in Los Angeles as published monthly in the "Engineering New-Record".
- c. The Neighborhood Park in Unit 13 Lot 1 (1.9 acres) shall have a maximum cost of \$1,500,000 per acre or \$2,850,000 and shall be subject to adjustment from the effective date of this Permit to the date of building permit issuance for the subject park, according to the Construction Cost Index in Los Angeles as published monthly in the "Engineering New-Record".

73. Prior to issuance of any construction permit for the Neighborhood Park on Unit 7 Lot 1, Unit 13 Lot 1, or Unit 16 Lot 2, the Owner/Permittee shall prepare and obtain approval of construction plans in accordance with the Parks and Recreation Department's current "Consultant's Guide to Park Design and Development", satisfactory to of the Parks and Recreation Department Director and City Engineer.

74. Prior to issuance of any construction permit for the Neighborhood Park on Unit 7 Lot 1, Unit 13 Lot 1, or Unit 16 Lot 2, the Owner/Permittee shall provide the Development Services Department with a performance bond in the amount of one hundred percent (100%) of the estimated construction costs to build each respective Neighborhood Park in accordance with the approved General Development Plan. The bond may be in cash or may be a corporate surety bond or other security satisfactory to the Parks and Recreation Department Director and the City Engineer. The bond shall insure that the respective Neighborhood Parks are completed in accordance with all applicable laws and regulations. At the option of the City and, in the event the respective Neighborhood Parks are not completed to the full satisfaction of the Parks and Recreation Department Director, the City may use the performance bond to construct the applicable Neighborhood Park to a condition satisfactory to the City. The bond or cash shall be held in trust by the Development Services Department for the purpose specified above, or at the City's option may be placed in an escrow approved by the City.

75. Prior to the issuance of the certificate of occupancy for the 610<sup>th</sup> residential unit, the Neighborhood Park on Unit 16 Lot 2 shall be complete, accepted by the Parks and Recreation Director, conveyed to the City in accordance with the current "City's Park Development Standard Terms and Conditions" and open to the public.

76. Prior to the issuance of the certificate of occupancy for the 1,001<sup>st</sup> residential unit, the Neighborhood Park on Unit 7 Lot 1 shall be complete, accepted by the Parks and Recreation Director, conveyed to the City in accordance with the current "City's Park Development Standard Terms and Conditions" and open to the public.

77. Prior to the issuance of the certificate of occupancy for the 1,200<sup>th</sup> residential unit, the Neighborhood Park on Unit 13 Lot 1 shall be complete, accepted by the Parks and Recreation Director, conveyed to the City in accordance with the current "City's Park Development Standard Terms and Conditions" and open to the public.

78. Upon completion and acceptance of each Neighborhood Park by the City of San Diego Parks and Recreation Department Director, the Owner/Permittee shall transfer fee title of the subject Neighborhood Park to the City of San Diego at no cost, free and clear of all private easements, private encroachments, including drainage structures, private agreements and/or liens excluding existing encroachments and easements, other than those shown to remain on Exhibit "A" on file in the Development Services Department.

79. Upon completion and acceptance of each Neighborhood Park by the City of San Diego Parks and Recreation Department Director, the subject performance bond shall be returned to the Owner/Permittee.

80. Prior to the issuance of the certificate of occupancy for the 795<sup>th</sup> residential unit, the trail segment on Unit 2 shall be complete and accessible to the public.

81. Prior to the issuance of the certificate of occupancy for the 1,001<sup>st</sup> residential unit, the trail segments on Unit 5 shall be complete and accessible to the public.

82. Prior to the issuance of the certificate of occupancy for the 1,200<sup>th</sup> residential unit, the trail segments on Units 10, 11, 12, 13, and 15 shall be complete and accessible to the public.

83. The Owner/Permittee shall ensure that no project brush management or required landscape buffers are located on property to be conveyed to the City.

84. Any deviations from the approved General Development Plans for the Neighborhood Parks on Unit 7 Lot 1, Unit 13 Lot 1 or Units 16 Lot 2 may require the Owner/Permittee to process a General Development Plan Amendment.

85. Prior to issuance of any construction permit for the Neighborhood Parks located on Unit 7 Lot 1, Unit 13 Lot 1, or Unit 16 Lot 2, the Parks and Recreation Department shall review and approve of grading, public improvement and construction plans, satisfactory to the Parks and Recreation Director and City Engineer.

86. Accessibility signage meeting accessibility guidelines will be installed at all trailheads and trail access points per the City's Trail Standards, Appendix E in the Consultant's Guide to Park Design and development. Signage at a minimum will include the following information: length, surface type, width, running slope and cross slope of trail.

**TRANSPORTATION REQUIREMENTS:**

87. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

88. Prior to issuance of the first construction permit for a building, the Owner/Permittee shall assure by permit and bond the implementation of southbound right-turn overlap phase with associated traffic signal modification at the intersection of Carmel Mountain Road/Rancho Carmel Drive, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

89. Prior to issuance of the first construction permit for a building, the Owner/Permittee shall assure by permit and bond the implementation of southbound and eastbound right-turn overlap phases with associated traffic signal modifications at the intersection of Ted Williams Parkway/Pomerado Road, satisfactory to both the City Engineer and City of Poway City Engineer. All improvements shall be completed and operational prior to first occupancy.

90. Prior to issuance of the first construction permit for a building in Units 9, 10, 11 or 18, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal at the intersection of Ted Williams Parkway/Carmel Ridge Road, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Units 9, 10, 11 or 18.

91. Prior to issuance of the first construction permit for a building, the Owner/Permittee shall assure by permit and bond the implementation of southbound right-turn overlap phase with associated traffic signal modification at the intersection of Carmel Mountain Road/Camino Del Norte, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

92. Prior to issuance of the first construction permit for a building in Units 9, 10, 11 or 18, the Owner/Permittee shall assure by permit and bond the installation of an eastbound left turn lane at the proposed signal at the intersection of Ted Williams Parkway/Carmel Ridge Road, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Units 9, 10, 11 or 18.

93. Prior to issuance of the first construction permit for a building, the Owner/Permittee shall assure by permit and bond the construction of a 24-foot-wide driveway at each of the following locations, satisfactory to the City Engineer:

- Unit 1: Full access driveway at Windcrest Lane;
- Unit 2: Full access driveway at Shoal Creek Drive;
- Unit 5: Right-turn in/out only access driveway at Rancho Carmel Drive;
- Unit 6: Right-turn in/out only access driveway at Rancho Carmel Drive;
- Unit 8: Full access driveway at Shoal Creek Drive;
- Unit 9: Full access driveway at Carmel Ridge Road;
- Unit 10: Full access driveway at Carmel Ridge Road;
- Unit 16: Right-turn in/out only access driveway at Highland Ranch Road; and
- Unit 17: Full access driveway at Eastbourne Road.

Improvements identified above shall be completed and operational prior to first occupancy within each respective development unit.

94. All private drives shall include a sidewalk along at least one side separated from the roadway by a five-foot-wide landscaped parkway.

95. All driveways on public streets shall meet the minimum sight distance per City Street Design Manual, satisfactory to the City Engineer.

96. The Owner/Permittee shall provide and maintain a 10-foot by 10-foot visibility triangle area on both sides of the driveway measured along the property line at Windcrest Lane, Shoal Creek Drive, Rancho Carmel Drive, Rancho Carmel Drive, Shoal Creek Drive, Carmel Ridge Road, Carmel Ridge Road, Highland Ranch Road and Eastbourne Road for Units 1, 2, 5, 6, 8, 9, 10, 16 and 17 respectively. No obstruction higher than 36 inches shall be located within this area, e.g., shrubs, landscape, hardscape, walls, columns, signs etc.



97. Prior to the issuance of the first construction permit for a building, the Owner/Permittee shall submit to the Development Services Department a Transportation Demand Management (TDM) Plan for the project pursuant to MM-TRA-1. The TDM measures must include, but not be limited to:

- Trail staging/pedestrian rest area with bike racks in Neighborhood Park on Unit 13 Lot1;
- Multi-modal information kiosk within Unit 17;
- Shared bike fleet at Unit 9 of 150 bicycles; and
- Pedestrian resting area to be located adjacent to the Neighborhood Park on Unit 13 Lot 1;

Upon approval of the TDM Plan by the Development Services Department, implementation of each TDM measure must occur prior to issuance of the first certificate of occupancy of the development unit that contains that the subject TDM measure(s).

98. Prior to the issuance of the first construction permit for a building, pursuant to MM-TRA-1, the Owner/Permittee shall provide three on-site bicycle repair stations within Units 9,10 and 16, satisfactory to the City Engineer. The bicycle repair stations shall be installed prior to issuance of the first certificate of occupancy in each respective unit.

99. Prior to issuance of the first construction permit for a building in each phase of development, pursuant to MM-TRA-1, the Owner/Permittee shall prepare plans for the subject development unit that include the location of bicycle racks, and a cumulative total of all bicycle racks previously approved, so that at least 60 additional bicycle racks (above the 600 required for residents) are provided within the project for public use to the satisfaction of the City Engineer. The bicycle racks, which shall be installed prior to issuance of the first certificate of occupancy in each respective development unit and shall be maintained at all times.

100. At first occupancy of any deed-restricted affordable residential unit, the Owner/Permittee shall provide a 25% transit subsidy available to 100% of residents residing in any deed-restricted affordable unit, with the subsidy value limited to the equivalent of 25% of the current cost of a Metropolitan Transit System (MTS) "Regional Adult Monthly/30-Day Pass" for a period of five years from last occupancy in Unit 5 or Unit 6. Owner/Permittee must provide an annual monitoring report to the City Engineer noting number of subsidies provided each year for the five-year period. The first report will be required on the 1-year anniversary of the first occupancy of any deed-restricted affordable residential unit, and every year thereafter.

101. Prior to the issuance of the first certificate of occupancy in Phase 1, the trail segments along the central north/south spine of the proposed privately owned and publicly accessible trail network that connects development Units 1,6,7,8,9,16 and 17 shall be complete and accessible to the public.

**PUBLIC UTILITIES REQUIREMENTS:**

102. Prior to the ministerial approval of the grading and public improvement plan, the Owner/Permittee shall submit addendums as required to address any phasing and/or updates, satisfactory to the Public Utilities Director and in accordance with the City of San Diego's current Sewer Design Guide. Two (2) hard copies and one (1) PDF file of the addendum shall be submitted to the public utilities department reviewer, one (1) hard copy and one (1) PDF file shall be submitted to the project manager.

104. Prior to the issuance of any public improvement permit, if it is determined by the City of San Diego that any sewer improvements may impact the City of Poway, the Owner/Permittee shall contact the City of Poway and provide written documentation of approval or agreement between the Owner/Permittee and the City of Poway related to sewer services to the City of San Diego Public Utilities Department Director.
105. Prior to the issuance of any public improvement permit associated with Unit 5 or 6, the Owner/Permittee shall assure, by permit and bond the design and construction of a 12-inch diameter public water main within Rancho Carmel Drive right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department Director and the City Engineer.
106. Prior to the issuance of any construction permits for buildings within Unit 9, the Owner/Permittee shall provide the project's fair-share contribution of \$100,000 in accordance to the accepted Water Study for improvements to the Carmel Mountain High Water Pressure Station, satisfactory to the Public Utilities Department Director and City Engineer.
107. Prior to the issuance of any construction permits for buildings, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department Director and City Engineer.
108. Prior to the issuance of any construction permit for buildings, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Back Flow Prevention Device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department Director and City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
109. Prior to the issuance of any construction permits for buildings, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for private sewer facilities encroaching into the Public Right-of-Way.
110. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
111. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with SDMC Section 142.0607. In the event that any such facility loses integrity, the Owner/Permittee shall repair or reconstruct, at no cost to the City, any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department Director and City Engineer.

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

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

114. Prior to final inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department Director and City Engineer.

**INFORMATION ONLY:**

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

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_ and pursuant to Ordinance No. \_\_\_\_\_

**ATTACHMENT 8**

Permit Type/PTS Approval No.: Site Development Permit No. 2366425  
Master Planned Development Permit No. 2366508  
Date of Approval: September 14, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Martin R. Mendez  
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.

**PACS Enterprises, LLC**  
Owner

By \_\_\_\_\_  
Kyu Mahn Hwang  
Owner

**NUWI CMR, LLC**  
Permittee

By \_\_\_\_\_  
Adam Browning  
Member

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

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
APPROVING VESTING TENTATIVE MAP NO. 2366422 FOR THE  
THE TRAILS AT CARMEL MOUNTAIN RANCH -  
PROJECT NO. 652519 [MMRP]

WHEREAS, NUWI CMR, LLC, a Delaware Limited Liability Company, Subdivider, submitted an application to the City of San Diego for Vesting Tentative Map No. 2366422 and easement vacation , for the subdivision and redevelopment of the existing 164.5-acre, closed Carmel Mountain Ranch Country Club and associated 18-hole golf course site into nine lots for 1,200 residential condominiums units, 34 open space lots, three public park lots, and two commercial lots, known as the Trails at Carmel Mountain Ranch (Project). The Project site is located at 14050 Carmel Ridge Road in the AR-1-1, RS-1-13, RS-1-14, RM-1-1, RM-2-5, and RM-3-7 Base Zones, (previously referred to as the AR-1-1, RS-1-13, RS-1-14, RM-1-1, RM-2-5, and RM-3-7 Zones) which are proposed to be rezoned to the AR-1-1, OP-1-1, RS-1-13, RM-1-1, RM-1-3, RM-2-4, RM-2-5, RM-2-6, RM-3-7, and the CC-2-1 Zones, and the Airport Land Use Compatibility Overlay Zone for Marine Corps Air Station Miramar, the Airport Influence Area for MCAS Miramar (Review Area 2), Very High Fire Hazard Severity Zone, Residential Tandem Parking Overlay Zone, Parking Standards Transit Priority Area, and Transit Priority Area Overlay Zones, within the Carmel Mountain Ranch Community Plan Area. The property is legally described as Parcel 1 of Parcel Map No. 15309, Parcels 1 and 2 of Parcel Map No. 15726, Parcel 1 of Parcel Map No. 15727, Parcels 1 and 2 of Parcel Map No. 15758, Parcel 4 of Parcel Map No. 15862, Parcels 1 and 2 of Parcel Map No. 16314, Parcels 1 and 2 of Parcel Map No. 16337, Parcel 1 of Parcel Map No. 16479, Parcels 1, 2, and 3 of Parcel Map No. 16647, Parcel 1 of Parcel Map 16893, Parcel 1 of Parcel Map No. 16770, Parcel 7 of Parcel Map No. 14678, Lot 4 of Carmel Mountain Ranch Unit No. 15 according to Map thereof No. 11681, Lot 101 of Carmel

Mountain Ranch Unit No. 2 according to Map thereof No. 11321, Lot A of Carmel Mountain Ranch Unit No. 5A according to Map thereof No. 11527, Lot A of Carmel Mountain Ranch Unit No. 16 According to Map thereof No. 11906, Lot 11 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, and Lot 12 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, in the City of San Diego, County of San Diego, State of California; and

WHEREAS, the Map proposes the Subdivision of a 164.5-acre site into nine condominium lots (for up to 1,200 residential condominium units), 37 Open Space lots (including three parks) and two Commercial lots; and

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 1,200; and

WHEREAS, on August 5, 2021, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 2366422 and easement vacation, and pursuant to Resolution No. \_\_\_\_\_, the Planning Commission voted to recommend the Council of the City of San Diego (City Council) approve the Map; and

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

WHEREAS, on September 14, 2021, the City Council considered Vesting Tentative Map No. 2366422 and easement vacation, and pursuant to San Diego Municipal Code sections 125.0440 and 125.1040, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 2366422:

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project is consistent with the General Plan's City of Villages strategy as it would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, and others), with a mix of for-sale and rental products to serve a diverse population and household size.

The Project would implement the General Plan's Land Use and Mobility Elements and the Community Plan's Housing and Transportation Elements. To comply with the General Plan's goals of permitting higher intensity horizontal mixed-use development on underutilized infill sites, the project has been designed to provide opportunities for quality, new, market rate and deed restricted housing to meet the needs of current and future City residents on vacant land centrally located near existing major employment centers, retail opportunities, recreational amenities, schools, the Carmel Mountain Ranch Library and the Metropolitan Transit System (MTS) Sabre Springs/Peñasquitos Transit Station.

The Project site is located within a Transit Priority Area (TPA) due to its proximity to the Sabre Springs/Peñasquitos Transit Station, which is located approximately 0.5 miles south of the project site. The Sabre Springs/Peñasquitos Transit Station qualifies as a Major Transit Stop because it hosts Rapid 235 and 290, which provides high-frequency service down the Interstate 15 freeway (I-15) from the Escondido Transit Center to Downtown San Diego. To encourage transit options and reduce and/or remove single-occupant vehicle trips from peak-hour traffic, the project would provide a Transportation Demand Management (TDM) plan as a benefit to future residents and the community. As a result, the project specifically implements the General Plan's Mobility goals and policies.

By integrating public gathering spaces and civic uses into the overall design, the project complies with the General Plan's Land Use, Mobility and Recreation Elements, as well as the Community Plan's Parks and Open Space and Transportation Elements. To allow for new recreational opportunities, the project includes picnic pavilions, playgrounds, tot-lots, and trails for walking and biking. The multi-use trail system, which has been designed to take advantage of the site's existing topography, would circulate throughout the project site to provide mobility and recreational opportunities for pedestrians and bicyclists.

Trails would connect to sidewalks along the proposed on-site roadways and along existing adjacent residential streets to maximize access and connectivity. Additionally, a trail staging area would provide bike racks, a trail map and rules kiosk, bike station, picnic tables, and shade areas. Trails would range from five to eight feet in width and all trails would be publicly accessible. The project also includes a community art gallery/studio that would include a café/restaurant/banquet area and dining space.

To ensure compliance with the General Plan's Environmental Justice Element and the Community Plan's Parks and Open Space Element, the Project will comply with the California Energy Code (Title 24) and California Green Building Standards Code (CALGreen), as part of the Project's conditions of approval. To meet these requirements, all new development within the Project site would include rooftop photovoltaic solar panels; energy-efficient lighting, appliances and windows; cool roofs; and other design features that would reduce energy demand, water and resource consumption, and environmental waste, and would generate renewable energy on site. In addition, the Project design calls for new tree



plantings to provide shade, reduce heat island effect, increase pedestrian usability and provide protection for pavement and natural cooling opportunities.

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Housing Element as it allows a variety of architectural styles across the neighborhoods, while ensuring consistency is established in each planning neighborhood to help define a sense of place. Toward that end, the Trails at Carmel Mountain Ranch Design Guidelines (Design Guidelines) have been developed to provide a framework for future project implementation. As infill development, the project would include a minimum 50-foot buffer zone, which may include open space and landscaped areas, to ensure the project integrates fully with the existing, surrounding homes. Architectural articulation would also be used to provide visual relief from new buildings facing existing residential developments.

Portions of the Project site are located within the Very High Fire Hazard Severity Zone (VHFHSZ). To comply with the General Plan's Urban Design and Recreation Element and the Community Plan's Parks and Open Space and Community Environment, Conservation and Design Elements, the Project includes brush management zones and fuel modification area vegetation management as determined by the San Diego Fire Rescue Department and pursuant to the project-specific Brush Management Plan. The Project will use drought-tolerant, naturalized landscaping to replace the dead and dying vegetation associated with the vacant golf course and reduce water usage for irrigation; complies with all applicable local, regional, state, and federal requirements related to fire safety, emergency access, and evacuation plans; and it incorporates building materials, setbacks, water supply, hydrants, fire-flow, and defensible space suitable for development in fire hazard areas.

New trees would be planted on the Project site in accordance with the project-specific Design Guidelines and existing trees would be retained where feasible. The project will reduce the use of pesticides, herbicides, and synthetic fertilizers for pest management and maximize pervious surfaces wherever feasible, and it has been designed to include on-site biofiltration and hydromodification features to reduce stormwater runoff. All potential biological impacts would be mitigated to ensure the project complies with the General Plan's Urban Design and Conservation Elements and the Community Plan's Environment, Conservation and Design Element.

The Project's potential short-term construction and long-term operational impact on nearby noise-sensitive land uses would be mitigated to ensure compliance with the General Plan's Noise Element. Likewise, any potential cultural resource and Tribal Cultural Resource (TCR) impacts will be fully mitigated to ensure consistency with the Historic Preservation Element. In addition, the Project will not adversely impact existing levels of public services in the area, nor will it require new public facilities as any new infrastructure needed to serve the project would be connected to existing infrastructure. The project would be adequately served by nearby public services.

Finally, the Project has been designed to comply with the General Plan's Housing Element. The 6th Cycle Housing Element, which identified the site as Vacant – Community Plan Amendment (CPA) in Process, determined the site's net potential unit value at 1,200 dwelling units. Moreover, the central objective of the Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and

economic appeal." The project would include 15 percent of the total dwelling units constructed as deed-restricted units to low income households with rents that do not exceed 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years, consistent with the General Plan and Community Plan's Housing Element goals and policies in this community.

Therefore, with the adoption of the amendments to the General Plan, Community Plan amendment and Rezone, 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 Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project complies with the Land Development Code (LDC) floor area ratio, parking, landscaping requirements, and all other development standards except in three instances. The following deviations are requested to allow for the development of a more desirable project:

Proposed Deviations		
Development Regulation	Required/Allowed	Proposed
<b>Structure Height Deviations</b>		
SDMC 131.0431 for structure height in the RM-1-1, RM-1-3, RM 2-4, RM 2-5, RM 2-6 and RM 3-7 lots	<u>30 feet</u> (RM 1-1 and RM 1-3) <u>40 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)	<u>37 feet</u> (RM 1-1 and RM 1-3) <u>48 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)
<b>Minimum Lot Dimensions Deviations</b>		
SDMC Section 131.0331 for minimum lot area, minimum lot width, minimum lot depth and minimum street frontage in the AR-1-1 Zone	Min. Lot Area 10 acres Min. Lot Width 200 feet Min. Lot Depth 200 feet Min. Street Frontage 200 feet	Minimum Lot Area 0.1 acres Minimum lot width 50 feet Minimum Lot Depth 50 feet Minimum Street Frontage 50 feet
<b>Minimum Street Frontage Deviation</b>		
SDMC Section 131.0531 for CC-2-1 lots	Minimum Street Frontage 50'	Minimum street frontage will be 0'

**Structure Height Deviation:** The Project was designed to maximize density and facilitate clustering to ensure that portions of the site could be preserved as open space. As a result, residential zones with low overall density were selected. However, to ensure that the Project would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale, rental, and age-restricted market-rate and affordable product in compliance with the General Plan and Community Plan, the structure height deviation is required to allow a greater building height.

**Minimum Lot Dimensions Deviation:** Some undeveloped property onsite will be included in open space lots that will act as buffer between the new infill residential development and the surrounding community. These open space lots do not comply with the minimum lot dimension requirements of the AR-1-1 zone. Therefore, the requested deviation is therefore necessary to allow the Project, which has been designed to comply with the General Plan's Urban Design Element and the Community Plan's Housing Element and subject to the Design Guidelines and the parameters of the Master Planned Development Permit and Site Development Permit, to fully integrate with the existing residential uses. The open space buffer lots, which will be a minimum of 50 feet wide, will be subject to a Condition of Approval which prohibits structures from being erected within any open space buffer lot.

**Minimum Street Frontage Deviation:** Unit 17, Lot 2 includes a community art center. The parcel does not front on a public street, so the requested deviation is necessary to allow vehicular access from a private driveway in Unit 17, Lot 1 and pedestrian access from the nearest public street, Highland Ranch Road. The community art center presents a new public gathering space that will be unique to the Carmel Mountain Ranch community in

furtherance of the General Plan's Land Use and Recreation Elements, as well as the Community Plan's Parks and Open Space Element.

Collectively, these deviations allow for a development that will service a diverse and mixed population and household size in compliance with the General Plan and Community Plan's Housing Elements.

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

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project site is primarily characterized by disturbed fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed dramatically since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e. dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

The former golf fairways wind through existing neighborhoods. Approximately 42% of the site would be graded with 1,017,150 cubic yards of balanced cut and fill. The maximum height of cut is 25 feet, with maximum slope ratio of 2:1. Elevations range from 548 feet (in Unit 4 near I-15) to 810 feet above sea level (in Unit 9 near the former Clubhouse). A final geotechnical investigation would be required prior to the issuance of any construction permits. A mandatory geotechnical report would then be prepared in accordance with the City's "Guidelines for Geotechnical Reports" and would be reviewed for adequacy by the Geology Section of the Development Services Department. The report must adequately demonstrate compliance with the California Building Code and any applicable geologic hazards regulations. Implementation of this mitigation would ensure all potential geologic impacts are reduced below a level of significance.

The project site lies outside of the City's Multi-Habitat Planning Area (MHPA). However, the project site is within the City Multiple Specific Conservation Program (MSCP) Subarea Plan and includes designated environmentally sensitive lands (ESL) in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity to the control of invasive species and brush management. Area Specific Management Directives (ASMD) were developed for certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the project area. All ASMD for those species will be adhered to and the project will comply with the ASMD for MSCP covered species with a potential to occur within the project site.

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 Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project site is primarily characterized by disturbed fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e. dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039003, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which has been codified as a project permit condition, would mitigate these impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

The project site lies outside of the City's Multi-Habitat Planning Area (MHPA). However, the project site is within the City Multiple Specific Conservation Program (MSCP) Subarea Plan and includes designated environmentally sensitive lands (ESL) in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity to the control of invasive species and brush management. Area Specific Management Directives (ASMD) were developed for certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the project area. All ASMD for those species will be adhered to and the project will comply with the ASMD for MSCP covered species with a potential to occur within the project site.

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

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project site is primarily characterized by disturbed fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed dramatically since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e. dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

The Project site lies outside of the City's Multi-Habitat Planning Area (MHPA). However, the project site is within the City Multiple Specific Conservation Program (MSCP) Subarea Plan and includes designated environmentally sensitive lands (ESL) in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to

a Covenant of Easement to prohibit future development and to limit on site activity to the control of invasive species and brush management. Area Specific Management Directives (ASMD) were developed for certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the project area. All ASMD for those species will be adhered to and the project will comply with the ASMD for MSCP covered species with a potential to occur within the project site.

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039003, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which has been codified as a project permit condition, would mitigate these impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

A Water Supply Assessment (WSA) Report for the project was prepared to evaluate if sufficient water supplies would be available to meet the projected water demands of the project. The WSA concluded that current and future water supplies to serve the projected demands of the project, as well as the actions necessary to develop these supplies, have been identified in the water resource planning documents of the City's Public Utilities Department, the County Water Authority (SDCWA), and the Metropolitan Water District (MWD).

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, and implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance. A Stormwater Quality Management Plan that includes BMPs, i.e., on-site biofiltration and hydromodification features, has been developed to maintain natural drainage features and minimize potential impacts to storm drain facilities.

Any short-term erosion and sedimentation impacts associated with Project development would be addressed through conformance with applicable elements of the City storm water program and related National Pollutant Discharge Elimination System (NPDES) standards. Additionally, the Project would implement an approved Stormwater Pollution Prevention Plan and related plans, and best management practices (BMPs), including appropriate measures, to address erosion and sedimentation.



The Project permit includes specific requirements to ensure compliance with the regulations of the Land Development Code (LDC) that have been adopted to protect the public health, safety, and welfare. Permit requirements include submitting an updated geotechnical report that addresses the construction plans; assuring by permit and bond plans for the revegetation and hydro-seeding of all disturbed lands and required brush management; obtaining an Encroachment Maintenance Removal Agreement for all private storm drain systems and connections, landscape and irrigation located in the public right-of-way; assuring by permit and bond the design and construction of all required public water and sewer facilities; and installation of private back flow prevention devices

The Tentative Map for the project was reviewed and determined to be in compliance with the SDMC and California Government Code Section 66400 et. seq. (Subdivision Map) Act. The project must satisfy conditions of approval of Vesting Tentative Map No. 2366422, Site Development Permit No. 2366425 and Master Planned Development Permit No. 2366508, to achieve compliance with the regulations of the SDMC. Conditions to the Vesting Tentative Map include various conditions and referenced exhibits of approval relevant to achieving project compliance with applicable regulations of the SDMC in effect for this Project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. Prior to issuance of any building permit for the proposed project, the plans shall be reviewed by City staff to ensure compliance with all building, electrical, mechanical, plumbing and fire code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction would be enforced through building inspections completed by the City's building inspectors.

Therefore, the design of the subdivision or the type of improvement would not be detrimental to the public health, safety, and welfare.

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as

Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

No public access easements exist on the Project site. All existing street rights-of way and utility easements are accommodated by the Project design, except for a water easement acquired by the City in 1991. The water line was constructed, but its development only required the use of a portion of the easement. There is no present or prospective public use for the easement, either for the water line for which it was originally acquired or for any other public use of a like nature that can be anticipated. The Project includes the vacation of the unused portion of the water easement to accommodate construction of the project.

Therefore, the design of the subdivision or the type of improvements would 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 Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project has been sited and designed to provide natural light and air flow to the structures through the use of setbacks, varied heights and the implementation of a 50-foot buffer from existing development, which allows for passive and natural heating/cooling and solar photovoltaic system opportunities. The Project will comply with the California Energy Code (Title 24) and California Green Building Standards Code (CALGreen), as part of the Project's conditions of approval. To meet these requirements, all new development within the Project site would include rooftop photovoltaic solar panels; energy-efficient lighting, appliances and windows; cool roofs; and other design features that would reduce energy demand, water and resource consumption, and environmental waste, and would generate renewable energy on site. In addition, the Project design calls for new tree plantings to provide shade, reduce heat island effect, increase pedestrian usability and provide protection for pavement and natural cooling opportunities.

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

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lot for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project implements the General Plan's City of Villages strategy as it would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale and rental product to serve a diverse and mixed

population and household size. The project has been designed to comply with the General Plan's Housing Element. The 6th Cycle Housing Element, which identified the site as Vacant – CPA in Process, determined the site's net potential unit value at 1,200 dwelling units. Moreover, the central objective of the Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and economic appeal." The project would include 15 percent of the total dwelling units constructed as deed-restricted units to low income households with rents that do not exceed 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years, consistent with the General Plan and Community Plan's Housing Element goals and policies in this community.

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Housing Element as it would allow a variety of architectural styles across the neighborhoods, so long as a consistency is established in each planning neighborhood to help define a sense of place. Toward that end, the project-specific Design Guidelines have been developed to provide a framework for future project implementation. As infill development, the project would include a minimum 50-foot buffer zone, which may include open space and landscaped areas, to ensure the project integrates fully with the surrounding homes. Architectural articulation would also be used to provide visual relief from new buildings facing existing residential developments.

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039003, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which has been codified as a project permit condition, would mitigate these impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

A Water Supply Assessment (WSA) Report for the project was prepared to evaluate if sufficient water supplies would be available to meet the projected water demands of the project. The WSA concluded that current and future water supplies to serve the projected demands of the project, as well as the actions necessary to develop these supplies, have been identified in the water resource planning documents of the City's Public Utilities Department, the County Water Authority (SDCWA), and the Metropolitan Water District (MWD).

The Project permit includes specific requirements to ensure compliance with the regulations of the Land Development Code (LDC) that have been adopted to protect the public health, safety, and welfare. Permit requirements include submitting an updated geotechnical report that addresses the construction plans; assuring by permit and bond plans for the revegetation and hydro-seeding of all disturbed lands and required brush management; obtaining an Encroachment Maintenance Removal Agreement for all private storm drain systems and connections, landscape and irrigation located in the public right-of-way;

assuring by permit and bond the design and construction of all required public water and sewer facilities; and installation of private back flow prevention devices.

The Project will comply with the development conditions in effect for the subject property as described in Planned Development Permit No. 2366508 and Site Development Permit No. 2366425, and other regulations and guidelines pertaining to the subject property per the SDMC for the site. Prior to issuance of any building permit for the proposed project, the plans shall be reviewed by City staff to ensure compliance with all building, electrical, mechanical, plumbing and fire code requirements, and the Owner/Permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction would be enforced through building inspections completed by the City's building inspectors.

Furthermore, the Project implements the City's General Plan policies that encourage the development of residential units near transit and employment opportunities, thereby capturing automobile trips and allowing for increased pedestrian activity, bicycle and transit activity. By locating up to 1,200 new market rate and deed restricted housing in a TPA on a vacant infill golf course site surrounded by existing major employment centers, retail opportunities, recreational amenities, schools, the Carmel Mountain Ranch Library and the nearby Sabre Springs/Peñasquitos Station, the Project implements the City's General Plan policies.

Therefore, the decision maker has considered the effects of the proposed subdivision on the housing needs of the region that include affordable housing units, and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

BE IT FURTHER RESOLVED, that portions of the water easement, located within the Project boundary as shown on Vesting Tentative Map No. 2366422, shall be vacated, contingent upon the recordation of the approved Final Map for the Project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lot for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

Improvements to surrounding public infrastructure and roadways would be implemented as part of the Project, including establish right-of-way and utility easements throughout the project site.

The portion of the water easement to be vacated is located on the central-eastern portion of the project site, adjacent to Carmel Ridge Road, as shown on the Tentative Map exhibit. The easement was acquired by the City in 1991 and the water lines serving the site are constructed and operational. The unused portion of the water easement is proposed to be vacated to accommodate construction of the Project. The portion of the water easement to be vacated does not contain any existing or proposed water facilities nor is it required or planned for any future public use.

The project scope includes widening of the remaining, developed, 15-foot-wide water easement to 24 feet to accommodate the proposed development. Therefore, the easements required to provide water service to the site are incorporated in the project design.

Therefore, there is no present or prospective public use for the easement, either for the water line for which it was originally acquired or for any other public use of a like nature that can be anticipated.

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the closed Carmel Mountain Ranch Country Club and associated 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94 acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87 acres of publicly-accessible parkland.

The Project is consistent with the intent of the General Plan of focusing growth close to activity centers and linked to the regional transit system. The project would increase housing capacity and provide a range of housing types (market rate and affordable) with a land use plan compatible with the existing residential neighborhood. The project site has been

identified in the City's Housing Element for the potential location of new housing and implements the Housing Element goals of providing affordable housing onsite; creating a compact and walkable neighborhood that is accessible by transit; and increasing housing choices within the community. Therefore, the public would benefit from the action through improved utilization of the land made available by the vacation.

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

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment and Community Plan Amendment to re-designate the site as Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, and RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project implements the General Plan's City of Villages strategy as it would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale and rental product to serve a diverse and mixed population and household size. The project has been designed to comply with the General Plan's Housing Element. The 6th Cycle Housing Element, which identified the site as Vacant - CPA in Process, determined the site's net potential unit value at 1,200 dwelling units. Moreover, the central objective of the Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and economic appeal." The project would include 15 percent of the total dwelling units constructed as deed-restricted units to low income households with rents that do not exceed 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years, consistent with the General Plan and Community Plan's Housing Element goals and policies in this community.

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Housing Element as it would allow a variety of architectural styles across the neighborhoods, so long as a consistency is established in each planning neighborhood to help define a sense of place. Toward that end, the project-specific Design Guidelines have been developed to provide a framework for future project implementation. As infill development, the project would include a minimum 50-foot buffer zone, which may include open space and landscaped areas, to ensure the project integrates fully with the surrounding homes. Architectural articulation would also be used to provide visual relief from new buildings facing existing residential developments.

The vacation of the unused portion of the existing onsite water easement would facilitate the provision of housing consistent with the proposed General Plan and Community Plan land use designations. Therefore, the vacation is consistent with any applicable land use plan.

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

As outlined in Finding 9 above, improvements to surrounding public infrastructure and roadways would be implemented as part of the Project. The portion of water easement to be vacated is located on the central-eastern portion of the Project site, adjacent to Carmel Ridge Road, as shown on the Tentative Map exhibit. The easement was acquired by the City in 1991, and the water lines serving the site are constructed and operational. The portion of water easement to be vacated does not contain any existing or proposed water facilities nor is it required or planned for any future public use.

The Project scope includes widening of the remaining 15-foot-wide water easement to 24 feet to accommodate the proposed development. Easements required to provide water service to the site are incorporated in the project design.

Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

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

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 2366422 and the easement vacation, is approved, and hereby granted to NUWI CMR, LLC, a Delaware Limited Liability Company, Subdivider, subject to the attached conditions, which are made a part of this resolution by this reference, and contingent upon final passage of Resolution No. R-\_\_\_\_\_ approving amendments to the General Plan and Carmel Mountain Ranch Community Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By \_\_\_\_\_

Deputy City Attorney



Attachments: Exhibit 1 – Vesting Tentative Map Conditions

DRAFT

CITY COUNCIL  
CONDITIONS FOR VESTING TENTATIVE MAP NO. 2366422  
FOR THE TRAILS AT CARMEL MOUNTAIN RANCH PROJECT NO. 652519

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

**GENERAL**

1. This Vesting Tentative Map No. 2366422 will expire September 14, 2024.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Vesting Tentative Map shall conform to the provisions of Site Development Permit No. 2366425 and Master Planned Development Permit No. 2366508.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

6. Prior to issuance of any construction permit for a building, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of SDMC Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the SDMC. The Agreement will specify that in exchange for the City's approval of the Project, the Owner/Permittee shall provide 15% of the total units built, with rents of no more than 30% of 60% of Area Median Income (AMI) for no fewer than 55 years.

**ENGINEERING**

7. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
8. The Subdivider shall install new streetlights per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18 throughout the project as shown on approved Exhibit "A".
9. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
10. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
11. 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.
12. 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.

**MAPPING**

13. Prior to the recordation of each Final Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Final Map.
14. Prior to the recordation of each Final Map, all private streets and drives shall be shown with bearings and distances along the centerline and width of the streets shown on a non-title sheet on the Final Map. The street names shall be submitted to BDR-Street Name Coordinator for approval and published on the Final Map.
15. Each Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

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

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

**PUBLIC UTILITIES**

18. Prior to the recordation of the Final Map, the Subdivider is required to develop and record all public water easements as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and City Engineer.
19. Prior to the recordation of the Final Map, the Subdivider is required to vacate all public water easements as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and City Engineer.

**GEOLOGY**

20. Prior to the issuance of each construction permit (either grading or building permit), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to the issuance of any construction permit.

**LANDSCAPE**

21. Prior to recordation of the Final 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 Plan Sheet to identify the hatched areas: Indicates fire hazard zone(s) per Section 142.0412 of the City of San Diego Land Development Code.

**PARKS AND RECREATION**

22. The Parks and Recreation Department shall review all Final Maps associated with this project prior to recordation to ensure substantial conformance with the parks and trail facilities as shown on the approved Exhibit "A".
23. Prior to recordation of each Final Map for a Unit containing trails, the Subdivider shall submit for a Process One, Substantial Conformance Review of all trail plans with Recreation Easements for review and compliance with current California Building Code (CBC) accessibility standards to the satisfaction of the City Engineer.
24. Prior to recordation of the Final Maps for Unit 7, Unit 13 and unit 16, the Subdivider shall include an Irrevocable Offer of Dedication (IOD) over each Neighborhood Park site on Unit 7 Lot 1, Unit 13 Lot 1, or Unit 16 Lot 2 as shown on the approved Exhibit "A," to the satisfaction of the City Engineer.
25. Prior to recordation of a Final Map for which a trail segment is to be provided as shown on the approved Exhibit "A", the Subdivider shall provide a Recreation Easement over the approximately 5 miles of privately owned and privately maintained trails on Units 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 17 as shown on the approved Exhibit "A" to the satisfaction of the City Engineer.

**INFORMATION:**

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

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24008465

DRAFT

RESOLUTION NUMBER R- \_\_\_\_\_

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 652519/SCH NO. 2020039006 ADOPTING THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE TRAILS AT CARMEL MOUNTAIN RANCH - PROJECT NO. 652519

WHEREAS, on January 31, 2020, NUWI CMR, LLC, a Delaware Limited Liability Company submitted an application to Development Services Department for approval of the Amendment to the Carmel Mountain Community Plan and General Plan No. 2366421; Rezone No. 2366507; Master Planned Development Permit No. 2366508; Site Development Permit No. 2366425; Vesting Tentative Map No. 2366422 including an easement vacation; for the Trails at Carmel Mountain Ranch (Project); and

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

WHEREAS, the issue was heard by the City Council on \_\_\_\_\_; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 652519 / SCH. No 202039006 (Report) prepared for this Project; NOW, THEREFORE,

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

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

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

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

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

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

APPROVED: [JAN GOLDSMITH, CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

By: \_\_\_\_\_

Deputy City Attorney

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