

RESOLUTION NUMBER R-298422

ADOPTED ON SEPTEMBER 23, 2003

WHEREAS, City of San Diego, Owner and Permittee, filed an application with the City of San Diego for a Site Development Permit No. 16898 and Planned Development Permit No. 16899 to construct on portions of a 1.02 acre lot, a 20,000 square foot skate park known as the Rancho Penasquitos Skate Park, located at 10029 Carmel Mountain Road, and legally described as Lot 4 of Carmel Peñasquitos Plaza in the City of San Diego, State of California, according to Map thereof No. 7202, filed in the Office of the County Recorder of San Diego County, February 11, 1972, in the OP-1-1 zone of the Rancho Peñasquitos Community Plan; and

WHEREAS, on September 11, 2003, the Planning Commission of the City of San Diego considered Site Development Permit No. 16898 and Planned Development Permit No. 16899, and pursuant to Resolution No. 3414-PC, voted to recommend City Council approve the permit; and

WHEREAS, the matter was set for public hearing on September 23, 2003, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 16898 and Planned Development Permit No. 16899:

I. SITE DEVELOPMENT PERMIT

A. The proposed development will not adversely affect the applicable land use plan; The proposal to change the designation of the one-acre parcel from Commercial Park & Ride to Open Space Park to allow for development of a city owned and operated skate park would not adversely affect the Rancho Peñasquitos Community Plan. The existing designation was specifically applied to provide for an expansion of the existing Caltrans park and ride facility. However, Caltrans has determined that the existing park and ride facility is large enough to meet projected needs; and that the existing facility is not fully utilized, in part because a second park and ride lot operated by MTDB is located across the street and west of the existing Caltrans facility. Furthermore, there is a need for this type of park facility. This facility would be the only City of San Diego skate park located north of Interstate 8.

The project would fulfill a number of goals within the Rancho Peñasquitos Community Plan. The Plan specifically recommends development of commercial recreation facilities, such as skating rinks, court facilities, driving range, et. al in the Town Centre Neighborhood. Although this facility would be a public facility it would fulfill the type of recreational use addressed in the Plan. The proposed facility is located to take advantage of multiple types of access. The site is easily accessible by those who choose to walk, bike, use transit, or drive as discussed in the Neighborhood Planning Element and the Transportation Element. As discussed in the Community Appearance and Design Element, the project would include only a small, low scale building, with the park screened with trees and other landscaping.

B. The proposed development will not be detrimental to the public health, safety, and welfare. The project has been reviewed pursuant to the California Environmental Quality Act [CEQA] and a Mitigated Negative Declaration [MND] has been prepared. As part of the CEQA review process, a traffic assessment, an air quality report and a noise technical report were prepared for the project. These studies were reviewed and accepted by the Environmental Analysis Section of the Development Services Department. Based on these reports, the MND concludes that the project, as described in the proposed exhibits, will avoid or mitigate potentially significant traffic, air quality and noise impacts. The traffic assessment determined that the existing street system is adequate to support the traffic generated by the project. According to the air quality report, skate park patrons, employees, and other visitors would not experience adverse air quality impacts. According to the noise technical report, the same groups would not be exposed to noise levels above 75 decibels dB(A) community noise equivalent level CNEL, established by the General Plan and the City Significance Determination Guidelines for CEQA review. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

C. The proposed development will comply with the applicable regulations of the Land Development Code. Skate parks, considered as developed active park uses, are permitted in the OP-1-1 zone. Although, there are no specific development regulations for

projects in the OP-1-1 zone, the project has been reviewed for conformance with the General Regulations of the Land Development Code relative to parking, signs, fencing, and landscaping. After review, Development Services Department staff determined that the project is consistent with these regulations. Therefore, the proposed development is in full compliance with the applicable regulations of the Land Development Code.

II. SUPPLEMENTAL FINDINGS—ENVIRONMENTALLY SENSITIVE LANDS

A. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The site is physically suitable for the design of the skate park. It is relatively flat and grading is limited to the creation of the skate area's features. No off-site grading would be necessary.

Nearly all of the site, 97 percent, will require grading, resulting in disturbance of 1.01 acres of environmentally sensitive lands. The environmentally sensitive lands is isolated on three sides by development. It is a strip of land that lies between the Ted Williams Parkway (SR-56) and Carmel Mountain Road, abutting a Park & Ride lot. The Park & Ride lot is adjacent to a community shopping center. Project approval is conditional on the acquisition of a shared parking agreement off-site, with adjacent existing developed property to provide required parking. This would enable the development to accommodate an adequately-sized skate park without having to acquire adjacent environmentally sensitive lands to accommodate required parking. This requirement would enable the City to construct an adequately sized skate park while minimizing 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 site has previously been graded by the construction of State Route 56 and Carmel Mountain Road. The site is relatively flat and the proposed grading is limited to creation of the skate park's features. The site is also located on a geologic structure that is considered to be stable and is not located in or around a flood area. The proposed 450 square-foot building is subject to the Uniform Building Code which ensures that the building is safe from fire and other construction hazards. Therefore, the proposed development will minimize the alteration of natural land forms, and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

C. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The skating area is sited away from the existing environmentally sensitive lands located to the east of the project site. The environmentally sensitive lands and the skating area are separated by landscaping and the drop-off area. Site drainage is designed to flow away from the environmentally sensitive lands. In addition, no lighting is proposed at this time. The site design provides maximum distance between the active skate park and the adjacent environmentally sensitive lands to prevent possible adverse impacts caused by skating activities.

D. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project site is not within the Multi-Habitat Preservation Area and is not subject to the Multiple Species Conservation Program Subarea Plan.

E. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Mitigation, Monitoring, and Reporting Program requires that construction drawings incorporate comprehensive temporary construction and permanent post-construction water quality best management practices [BMP] to reduce the amount of pollutants and sediments discharged from the site. Also, the applicant is required to submit drainage study to determine if downstream capacity is sufficient to support the proposed development. If not, equivalent alternative available technologies and Best Management Practices [BMPs] may be required by the City Engineer based on the field inspection.

In addition, the project site is more than seven miles from the ocean. Therefore, the proposed project will have no effect on the erosion of public beaches 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. The environmental impact categories that were reviewed for the proposed skate park's potential negative impacts include biology, noise, water quality, transportation, and air quality. The biology impacts are mitigated because the project impacts environmentally sensitive lands. Mitigation would require the acquisition of land of equal size within the Multi-Habitat Preservation Area, or equivalent payment to the City's Habitat Acquisition Fund. The mitigation requires the Noise mitigation is required only if the park is open after 7:00 p.m. when lighting and noise become potential impacts. The skate park is not permitted to open after 7:00 p.m., according to a project condition, unless applicable permits are obtained and applicable environmental review is performed. Water quality mitigation would reduce the pollutants and sediments discharged from the site through the implementation of BMPs. Project conditions would also require that the downstream drainage capacity is adequate to accommodate the project. Transportation mitigation would ensure the project provides adequate parking spaces to accommodate skate park visitors. The air quality mitigation is designed to control dust and pollution from construction equipment through the requirement that low polluting and state of the art heavy construction equipment be utilized during construction, and the requirement that the construction site is periodically watered down to minimize dust production.

Therefore, these mitigation measures exclusively address negative impacts of this development.

III. PLANNED DEVELOPMENT PERMIT

A. The proposed development will not adversely affect the applicable land use plan. The proposal to change the designation of the one-acre parcel from Commercial Park & Ride to Open Space Park to allow for development of a city owned and operated skate park would not adversely affect the Rancho Peñasquitos Community Plan. The existing designation was specifically applied to provide for an expansion of the existing Caltrans park and ride facility. However, Caltrans has determined that the existing park and ride facility is large enough to meet projected needs; and that the existing facility is not fully utilized, in part because a second park and ride lot operated by MTDB is located across the street and west of the existing Caltrans facility. Furthermore, there is a need for this type of park facility. This facility would be the only City of San Diego skate park located north of Interstate 8.

The project would fulfill a number of goals within the Rancho Peñasquitos Community Plan. The Plan specifically recommends development of commercial recreation facilities, such as skating rinks, court facilities, driving range, et. al in the Town Centre Neighborhood. Although this facility would be a public facility it would fulfill the type of recreational use addressed in the Plan. The proposed facility is located to take advantage of multiple types of access. The site is easily accessible by those who choose to walk, bike, use transit, or drive as discussed in the Neighborhood Planning Element and the Transportation Element. As discussed in the Community Appearance and Design Element, the project would include only a small, low scale building, with the park screened with trees and other landscaping.

B. The proposed development will not be detrimental to the public health, safety, and welfare. The project has been reviewed pursuant to the California Environmental Quality Act [CEQA] and a Mitigated Negative Declaration [MND] has been prepared. As part of the CEQA review process, an air quality report and a noise technical report was prepared for the project. These studies were reviewed and accepted by the Environmental Analysis Section of the Development Services Department. Based on these reports, the MND concludes that the project, as described in the proposed exhibits, will avoid or mitigate potential significant air quality and noise impacts. According to the report, skate park patrons, employees, and other visitors would not experience adverse air quality impacts. According to the noise technical report, the same groups would not be exposed to noise levels above 75 decibels dB(A) community noise equivalent level [CNEL], established by the General Plan and the City Significance Determination Guidelines for CEQA review. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

C. The proposed development will comply with the applicable regulations of the Land Development Code. Skate parks, considered as developed active park uses, are permitted in the OP-1-1 zone. Although, there are no specific development regulations for projects in the OP-1-1 zone, the project has been reviewed for conformance with the General Regulations of the Land Development Code relative to parking, signs, fencing,

and landscaping. The proposed project has been reviewed and determined to be consistent with these regulations. Therefore, the proposed development is in full compliance with the applicable regulations of the Land Development Code.

D. The proposed development, when considered as a whole, will be beneficial to the community. There is a need for a skate park in this area of the City. The City of San Diego currently owns and operates one skate park (Robb Field Skate Park) and is in the process of constructing a second (Memorial Skate Park). This is the only City owned and operated skate park proposed within the northern City limits. Within the entire northern half of San Diego County there are only seven skate parks. The closest facilities to the proposed Rancho Peñasquitos skate park are the City of Poway skate park (6 miles east), the Krauss Family YMCA (14 miles South), the Magdalena Ecke YMCA (17 miles west), and the Escondido Sports Center (19 miles north). A City owned and operated skate park at this facility would serve a need in the Rancho Peñasquitos community, the developing communities in the North City and the communities of Sabre Springs, Carmel Mountain Ranch, and Mira Mesa.

The project is also compatible with the more immediate surrounding land uses. The proposed location provides parents the opportunity to drop off their children at the skate park while they shop and do errands at the nearby commercial areas. The location is also easily accessible to the surrounding neighborhood and the rest of San Diego via Ted Williams Parkway (SR-56) and Carmel Mountain Road.

The skate park fulfills a community need and is compatible with surrounding land uses, and therefore, will be beneficial to the community.

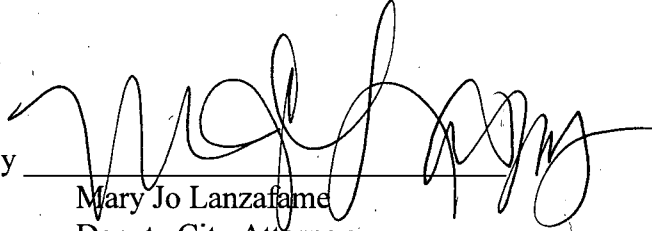
E. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. No deviations are proposed.

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

BE IT FURTHER RESOLVED that the recommendation of the Planning Commission is upheld, and Site Development Permit No. 16898 and Planned Development Permit No. 16899

are granted to the City of San Diego, Owner and Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
10/02/03
Or.Dept.:Clerk
R-2004-392
Reviewed by Juan Baligad

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT No. 16898
PLANNED DEVELOPMENT PERMIT No. 16899
RANCHO PEÑASQUITOS SKATE PARK - PROJECT No. 6995
CITY COUNCIL

This Site Development Permit and Planned Development Permit is granted by the Council of the City of San Diego to the City of San Diego, Owner and Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 44,465 square-foot site is located at 10024 Carmel Mountain Road in the OP-1-1 zone of the Rancho Peñasquitos Community Planning Area. The project site is legally described as Lot 4 of Carmel Peñasquitos Plaza in the City of San Diego, State of California, according to Map thereof No. 7202, filed in the Office of the County Recorder of San Diego County, February 11, 1972.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct a 20,000 square foot City-owned and operated skate park on a vacant 44,465 square foot lot, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated September 23, 2003, on file in the Development Services Department. The exhibits are identified as follows:

- A-1 (GDP-1): Site Plan
- A-2 (GDP-2): Grading Plan
- A-3 (GDP-3): Disabled Accessibility Plan
- A-4 (GDP-4): Cross Sections
- A-5 (GDP-5): Building
- A-6 (GDP-6): Landscape Concept Plan

The project or facility shall include:

- a. A 20,000 square-foot skate park and an approximately 450 square-foot building for check-in, restroom, and storage;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

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

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit A-1 through A-6. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. As conditions of this Permit and the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 6995 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Permittee/City Department shall comply with the MMRP as specified in the Mitigated Negative Declaration No. 6995 satisfactory to the City Manager and the City Engineer. All MMRP requirements shall be shown on the construction plans and specifications. Prior to the issuance of Notice to Proceed with construction, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Air Quality, Biological
- Noise
- Traffic/Parking
- Water Quality

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

15. Prior to the Notice to Proceed and/or first pre-construction meeting, a drainage study shall be prepared and a copy shall be submitted to the Environmental Review Manager [ERM] of Land Development Review for review. The report shall identify if the downstream capacity would or would not be sufficient to support the proposed development, subject to approval of the City Engineer. The City Engineer shall inspect the permanent post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and Best Management Practices [BMPs] may be required by the City Engineer based on the field inspection.

16. Prior to the Notice to Proceed and/or first pre-construction meeting, the applicant shall provide 21 off-site parking spaces through a shared parking agreement, to the satisfaction of the ERM.

PLANNING/DESIGN REQUIREMENTS:

17. No fewer than 23 off-street parking spaces shall be maintained for the use of skate park visitors at all times. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

18. The skate park shall operate only between the hours of 7:00 a.m. and 7:00 p.m.

19. The applicant shall provide two standard 20-foot driveways on Carmel Mountain Road.

20. Only security and safety lighting shall be permitted in the skate park.

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

22. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zones which are in effect on the date of the submittal of the requested amendment.

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

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

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

LANDSCAPE REQUIREMENTS:

26. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with SDMC 142.0401 and Landscape Standards, Exhibit A-6, Landscape Development Plan, Details and Notes on file in the Office of the Development Services.

27. All required landscape plant materials shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

28. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards.

29. If any required landscape improvements (including existing or new planting, hardscape, landscape features, etc.) are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within thirty days of damage and prior to any Certificate of Occupancy.

30. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape improvement plans shall indicate each street tree by station points and staking in the field with a lodge pole tree stake prior to any utilities stub-outs. Tree stakes shall remain in place until trees are planted.

31. All tree locations shall have a 40 square foot minimum area around each tree's root zone, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of any tree. During improvement activities the locations of all trees shall be identified with a lodge pole tree stake and inspected by the field engineer prior to the installation of any wet or dry utility stub-outs and placement of any pavement.

32. Prior to issuance of any engineering permits for grading, landscape construction documents (including irrigation plans) for slope planting, erosion control, revegetation and hydroseeding shall be submitted to the City Manager for approval.

33. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee to install all required landscape improvements and obtain all required landscape inspections. A No Fee Street Tree Permit, shall be obtained for the installation, establishment and ongoing maintenance of all street trees.

34. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval.

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

WASTEWATER REQUIREMENTS:

36. The developer shall design and construct any proposed sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned.

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

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on September 23, 2003, by Resolution No. R-298422.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

City of San Diego,
Owner/Permittee

By _____

By _____

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