

RESOLUTION NUMBER R- 307936

DATE OF FINAL PASSAGE DEC 04 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT
NO. 919768 AND PLANNED DEVELOPMENT PERMIT NO.
909766 FOR LA JOLLA CROSSROADS 1, LLC – PROJECT
NO. 258190.

WHEREAS, La Jolla Crossroads 1, LLC, Owner, and Garden Communities, Permittee, filed an application with the City of San Diego for a Site Development Permit and Planned Development Permit, to amend Planned Residential Development (PRD)/Planned Industrial Development (PID)/Resource Protection Ordinance (RPO) Permit No. 99-0647 to construct 309 residential condominium units within three (3) buildings, and two (2) parking garages, totaling approximately 767,329 square feet, known as the La Jolla Crossroads project, located at 9015 Judicial Drive, and legally described as Lots 3, 4, 5 and 12 of La Jolla Crossroads, in the City of San Diego, County of San Diego, according to Map No. 14475, filed in the office of the County Recorder of San Diego County, October 9, 2002; excepting therefrom those portions of Lots 3 and 12 conveyed to the City of San Diego by deed recorded August 27, 2009, as Instrument No. 2009-0482447, in the University Community Plan area, and

WHEREAS, on NOV 15 2012, the Planning Commission of the City of San Diego considered Site Development Permit No. 919768 and Planned Development Permit No. 909766, and voted to recommend their approval; and

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

WHEREAS, the matter was set for public hearing on DEC 04 2012,
testimony having been heard, evidence having been submitted, and the City Council
having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the applicant has agreed to certain additional conditions being placed upon
Site Development Permit No. 919768 and Planned Development Permit No. 909766; 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. 919768 and Planned Development Permit
No. 909766:

A. SITE DEVELOPMENT PERMIT - SECTION 126.0504

1. Findings for all Site Development Permits

a. The proposed development will not adversely affect the applicable land use plan. With the proposed amendment to the General Plan and University Community Plan, the La Jolla Crossroads project is consistent with the requirements of the University Community Plan and will not adversely affect the land use and density designations for the site. The La Jolla Crossroads project is currently designated Scientific Research (SR) within the University Community Plan and Prime Industrial Lands (PIL) within the 2008 adopted General Plan.

The project site is identified as Prime Industrial Land (PIL) by the General Plan. It was included as PIL due to it being a vacant site designated for industrial use, zoned for industrial use and having entitlements for 162,000 square feet of Scientific Research use at the time of the General Plan update. The General Plan's Economic Prosperity Element includes several policies for protection of PIL; however, it also acknowledged that change would occur over time and provided criteria to analyze proposals which sought to remove land as PIL. The Economic Prosperity Elements Impacts Report, prepared by Keyser Marston Associates, Inc, dated June 2012, provided analysis of why the removal of PIL on this site is appropriate. Although removal would result in a net loss of PIL and entitled industrial development, there are several community plan amendment proposals which have been initiated by Planning Commission to increase the amount of Scientific Research square footage in the community. These proposals, if approved, would result in a net increase of industrial square footage in areas that are also identified as PIL. Therefore, staff can support the proposed removal of PIL from this project site.

The original La Jolla Crossroads project could not provide residential uses within this portion of the site as residential uses were incompatible with the 65-decibel (dB) Community Noise Equivalent Level (CNEL) contour for Marine Corps Air Station (MCAS) Miramar and Lot

12 was located in the Accident Potential Zone (APZ) – Zone B. The current project is proposing a Community Plan Amendment to change the site designation from Scientific Research (SR) to High Density Residential (45-75 dwelling units per acre). The project's proposed 309 residential units are consistent in density and intensity with the original La Jolla Crossroads project, which is immediately west of the project site.

With the project's proposed rezone, the project would be consistent with the Housing Residential Element of the University Community Plan. The project will help satisfy a variety of goals of the University Community Plan. The project will increase the supply of both market-rate and affordable housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the project site would not conflict with goals relating to topography and preservation of natural resources because the project site has been previously graded and is relatively flat. Therefore, the proposed development will not adversely affect the General Plan or the University Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development is currently served by the necessary sewer and water facilities to serve the occupants of the development. The project will incorporate construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code. The project will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards. The project will enter into a Maintenance Agreement for ongoing permanent BMP maintenance. Additionally, the project will comply with all the requirements of the State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and Amended by Order No. 2010-0014-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity.

An Environmental Impact Report (EIR) has been prepared for the project and all areas of potential impacts are mitigated to a level below significance. A Mitigation, Monitoring Reporting Program (MMRP) has been incorporated into the Final EIR with mitigation for Noise and Paleontological Resources. All proposed structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the proposed construction will be monitored and inspected in the field by certified inspectors. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 919768 and Planned Development Permit No. 909766. The project proposes a total of seven (7) deviations from the Land Development Code. These deviations provide for a more desirable project.

A deviation is being requested for the maximum height of the proposed structures. The maximum height proposed within the project varies at several locations at 89 feet above finished grade, where 60 feet is otherwise allowed. The project is being proposed as an extension of the existing 1,500 unit La Jolla Crossroads project, located across Sydney Court and west of the project site. The existing 1,500 unit project was approved per the pre-2000 Land Development Code Update and was not subject to a similar height restriction. This deviation will allow for the proposed buildings to blend in with the existing structures and allow for greater flexibility for the roofline design, allow for more articulation of the parapets and turrets above the roofline and provide an opportunity to maximize the amount of open space being provided on the project site. The proposed buildings will not exceed the height of the existing units of the original La Jolla Crossroads project.

A deviation is being requested regarding street frontage for Lots 2 and 3. The required street frontage within the RM-3-9 zone is 70 feet for each lot. In lieu of providing the required street frontage for Lots 2 and 3, all lots within the proposed development will obtain their access by way of Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the existing 1,500 unit development on the west side of Sydney Court.

A deviation is being requested for Lot 1 not providing the required 70 feet street frontage for vehicular access. Lot 1 does have physical street frontage on La Jolla Village Drive in excess of the minimum 70 foot requirement; however, access rights to La Jolla Village Drive have been relinquished. Physical vehicular access to Lot 1 will be provided by Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the existing 1,500 unit development on the west side of Sydney Court. Additionally, Sydney Court has the capacity to serve the proposed development 309 unit project.

A deviation is being requested for the street side setback for Lot 1 to allow 69 percent of the proposed building to encroach between 12 feet to 27 feet into the 33 foot required street side setback. The street side for Lot 1 was determined to be Sydney Court. The property line for Lot 1 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As such, the proposed building on Lot 1 will encroach as much as 12 feet to 27 feet into the required 33 foot street side setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for Lot 2. The project proposes to allow 89 percent of the building to encroach 8 feet to 15 feet into the required 20 foot front yard setback and 18 percent of the building to encroach 15 feet into the 20 foot front yard setback. The front yard for Lot 2 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 2 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 89 percent of the proposed building on Lot 2 will encroach 8 feet to 15 feet into the required 20 foot front

yard setback. An additional 18 percent of the proposed building will encroach 15 feet into the required 20 foot front yard setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for Lot 3 to allow 58 percent of the building to encroach 8 feet into the required 20 foot front yard setback and 42 percent of the building to encroach 15 feet into the required 20 foot front yard setback. The front yard for Lot 3 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 3 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 58 percent of the proposed building on Lot 3 will encroach as much as 8 feet into the required 20 foot front yard setback. An additional 42 percent of the proposed building will encroach as much as 15 feet into the required 20 foot front yard setback. However, even with the proposed encroachment into the front yard setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for the proposed above grade parking structure on Lot 3 to allow the structure to encroach 8 feet into the required 20 foot front yard setback. This proposed encroachment into the front yard setback will provide that the proposed parking structure is located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

As a result, the proposed project conforms with the overall policies and regulations of the City of San Diego and represents a desirable project for the site and the University community.

B. PLANNED DEVELOPMENT PERMIT -SECTION 126.0604

1. Findings for all Planned Development Permits

a. The proposed development will not adversely affect the applicable land use plan. With the proposed amendment to the General Plan and University Community Plan, the La Jolla Crossroads project is consistent with the requirements of the University Community Plan and will not adversely affect the land use and density designations for the site. The La Jolla Crossroads project is currently designated Scientific Research (SR) within the University Community Plan and Prime Industrial Lands (PIL) within the 2008 adopted General Plan.

The project site is identified as Prime Industrial Land (PIL) by the General Plan. It was included as PIL due to it being a vacant site designated for industrial use, zoned for industrial use and having entitlements for 162,000 square feet of Scientific Research use at the time of the General Plan update. The General Plan's Economic Prosperity Element includes several policies for protection of PIL; however, it also acknowledged that change would occur over time and provided criteria to analyze proposals which sought to remove land as PIL. The Economic Prosperity Elements Impacts Report, prepared by Keyser Marston Associates, Inc, dated June 2012, provided analysis of why the removal of PIL on this site is appropriate. Although removal

would result in a net loss of PIL and entitled industrial development, there are several community plan amendment proposals which have been initiated by Planning Commission to increase the amount of Scientific Research square footage in the community. These proposals, if approved, would result in a net increase of industrial square footage in areas that are also identified as PIL. Therefore, staff can support the proposed removal of PIL from this project site.

The original La Jolla Crossroads project could not provide residential uses within this portion of the site as residential uses were incompatible with the 65-decibel (dB) Community Noise Equivalent Level (CNEL) contour for Marine Corps Air Station (MCAS) Miramar and Lot 12 was located in the Accident Potential Zone (APZ) – Zone B. The current project is proposing a Community Plan Amendment from Scientific Research (SR) to High Density Residential (45-75 dwelling units per acre). The project's proposed 309 residential units are consistent in density and intensity with the original La Jolla Crossroads project, which is immediately west of the project site.

With the project's proposed rezone, the project would be consistent with the housing residential element of the University Community Plan. The project will help satisfy a variety of goals of the University Community Plan. The project will increase the supply of both market-rate and affordable housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the project site would not conflict with goals relating to topography and preservation of natural resources because the project site has been previously graded and is relatively flat. Therefore, the proposed development will not adversely affect the General Plan or the University Community Plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development is currently served by the necessary sewer and water facilities to serve the occupants of the development. The project will incorporate construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code. The project will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards. The project will enter into a Maintenance Agreement for ongoing permanent BMP maintenance. Additionally, the project will comply with all the requirements of the State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and Amended by Order No. 2010-0014-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity.

An Environmental Impact Report (EIR) has been prepared for the project and all areas of potential impacts are mitigated to a level below significance. A Mitigation, Monitoring Reporting Program (MMRP) has been incorporated into the Final EIR with mitigation for Noise and Paleontological Resources. All proposed structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the proposed construction will be monitored and inspected in the field by certified inspectors. Therefore, the proposed development will 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 proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 919768 and Planned Development Permit No. 909766. The project proposes a total of seven (7) deviations from the Land Development Code. These deviations provide for a more desirable project.

A deviation is being requested for the maximum height of the proposed structures. The maximum height proposed within the project varies at several locations at 89 feet above finished grade, where 60 feet is otherwise allowed. The project is being proposed as an extension of the existing 1,500 unit La Jolla Crossroads project, located across Sydney Court and west of the project site. The existing 1,500 unit project was approved per the pre-2000 Land Development Code Update and was not subject to a similar height restriction. This deviation will allow for the proposed buildings to blend in with the existing structures and allow for greater flexibility for the roofline design, allow for more articulation of the parapets and turrets above the roofline and provide an opportunity to maximize the amount of open space being provided on the project site. The proposed buildings will not exceed the height of the existing units of the original La Jolla Crossroads project.

A deviation is being requested regarding street frontage for Lots 2 and 3. The required street frontage within the RM-3-9 zone is 70 feet for each lot. In lieu of providing the required street frontage for Lots 2 and 3, all lots within the proposed development will obtain their access by way of Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the existing 1,500 unit development on the west side of Sydney Court.

A deviation is being requested for Lot 1 not providing the required 70 feet street frontage for vehicular access. Lot 1 does have physical street frontage on La Jolla Village Drive in excess of the minimum 70 foot requirement; however, access rights to La Jolla Village Drive have been relinquished. Physical vehicular access to Lot 1 will be provided by Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the existing 1,500 unit development on the west side of Sydney Court. Additionally, Sydney Court has the capacity to serve the proposed development 309 unit project.

A deviation is being requested for the street side setback for Lot 1 to allow 69 percent of the proposed building to encroach between 12 feet to 27 feet into the 33 foot required street side setback. The street side for Lot 1 was determined to be Sydney Court. The property line for Lot 1 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As such, the proposed building on Lot 1 will encroach as much as 12 feet to 27 feet into the required 33 foot street side setback. However,

even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for Lot 2. The project proposes to allow 89 percent of the building to encroach 8 feet to 15 feet into the required 20 foot front yard setback and 18 percent of the building to encroach 15 feet into the 20 foot front yard setback. The front yard for Lot 2 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 2 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 89 percent of the proposed building on Lot 2 will encroach 8 feet to 15 feet into the required 20 foot front yard setback. An additional 18 percent of the proposed building will encroach 15 feet into the required 20 foot front yard setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for Lot 3 to allow 58 percent of the building to encroach 8 feet into the required 20 foot front yard setback and 42 percent of the building to encroach 15 feet into the required 20 foot front yard setback. The front yard for Lot 3 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 3 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 58 percent of the proposed building on Lot 3 will encroach as much as 8 feet into the required 20 foot front yard setback. An additional 42 percent of the proposed building will encroach as much as 15 feet into the required 20 foot front yard setback. However, even with the proposed encroachment into the front yard setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

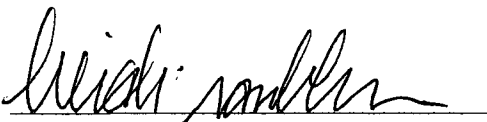
A deviation is being requested for the front yard setback for the proposed above grade parking structure on Lot 3 to allow the structure to encroach 8 feet into the required 20 foot front yard setback. This proposed encroachment into the front yard setback will provide that the proposed parking structure is located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

As a result, the proposed project conforms with the overall policies and regulations of the City of San Diego and represents a more desirable project for the site and the University community than if designed in strict conformance with the development regulations of the applicable zone.

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 Site Development Permit No. 919768 and Planned Development Permit No. 909766 are granted to La Jolla Crossroads 1, LLC, Owner, and Garden Communities, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution, contingent upon final passage of Ordinance No. O- 20241 rezoning the site from the existing RS-1-14 and IP-1-1 zones into the RM-3-9 zone, and subject to the site plan being modified to move the parking structure slightly to the north, creating a larger open space next to Judicial Drive, of a minimum of 0.9 acres, and all plans being consistent with this change, and subject to conditions being added to Site Development Permit No. 919768 and Planned Development Permit No. 909766 requiring Owner/Permittee to install sound barriers on all north and east facing exterior units for buildings 10, 11, and 12, and to ensure that Title 24 code standards are exceeded for interior noise mitigation on north- and east-facing units for buildings 10, 11, and 12.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:hm
11/15/2012
12/06/2012 REV.1
Or.Dept:DSD
Doc. No.: 467574

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002184

SITE DEVELOPMENT PERMIT NO. 919768
PLANNED DEVELOPMENT PERMIT NO. 909766
**LA JOLLA CROSSROADS, PROJECT NO. 258190 MMRP AMENDMENT TO
PLANNED RESIDENTIAL DEVELOPMENT (PRD)/PLANNED INDUSTRIAL
DEVELOPMENT (PID)/ RESOURCE PROTECTION ORDINANCE (RPO)
PERMIT NO. 99-0647
CITY COUNCIL**

This Site Development Permit No. 919768 and Planned Development Permit No. 909766, amendment to Planned Residential Development (PRD)/Planned Industrial Development (PID)/Resource Protection Ordinance (RPO) Permit No. 99-0647 is granted by the City Council of the City of San Diego to La Jolla Crossroads 1, LLC, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 7.93-acre site is located at 9015 Judicial Drive in the RS-1-14 and IP-1-1 Zones, the Airport Environs (AEOZ-65-CNEL) Overlay, the Airport Influence (Review Area 1) Overlay, Airport Land Use Compatibility Plan (ALUCP) Noise Contours (60-65 db CNEL) Overlay, the FAA Part 77 Noticing Area Overlay, the Community Plan Implementation (CPIOZ - Type A) Overlay Zone, and the North University City Facilities Benefit Assessment (FBA) within the University Community Plan. The project site is legally described as: Lots 3, 4, 5 and 12 of La Jolla Crossroads, in the City of San Diego, County of San Diego, According to Map No. 14475, files in the office of the County Recorder of San Diego County October 9, 2002; except therefrom those portions of Lots 3 and 12 conveyed to the City of San Diego by deed recorded August 27, 2009, as Instrument No. 2009-0482447.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 309 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 4, 2012, on file in the Development Services Department.

The project shall include:

- a. Construction of 309 residential condominium units within 3 buildings and two parking garages, totaling approximately 767,329 square feet;
- b. A deviation for the maximum height of the structures. The project proposes a maximum height of 89 feet where the zone otherwise allows 60 feet maximum;
- c. A deviation for Lots 2 and 3 for not providing street frontage where the zone requires each lot to provide 70 feet of street frontage;
- d. A deviation for Lot 1 for not providing street frontage for vehicular access where the zone requires each lot to provide street frontage for vehicular access;
- e. A deviation for Lot 1 street side setback requirement. The project proposes to allow 69 percent of the building to encroach between 12 feet and 27 feet into the required 33 foot street side setback;
- f. A deviation for Lot 2 front yard setback requirement. The project proposes to allow 89 percent of the building to encroach 8 feet into the otherwise required 20 foot front yard setback and 18 percent of the building to encroach 15 feet into the otherwise required 20 foot front yard setback;
- g. A deviation for Lot 3 front yard setback requirement for the residential building. The project proposes to allow 58 percent of the building to encroach 8 feet into the otherwise required 20 foot front yard setback and 42 percent of the building to encroach 15 feet into the otherwise required 20 foot front yard setback;
- h. A deviation for Lot 3 front yard setback requirement for the above grade parking structure. Project proposes to allow the southwest corner of the above grade parking structure encroach 8 feet into the required 20 foot front yard setback.
- i. Landscaping (planting, irrigation and landscape related improvements);
- j. Off-street parking; and
- k. 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 December 4, 2015.
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. Ordinance No. O- 20241 rezoning the site from the existing RS-1-14 and IP-1-1 zones into the RM-3-9 zone is finally passed and becomes effective.
 - b. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - c. 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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 258190, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 258190, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be

adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources
Noise

AFFORDABLE HOUSING REQUIREMENTS:

14. This project is required to set aside 31 units of affordable to families earning 65% of Area Median Income (AMI) for a period of 55 years. The Owner/Permittee has elected to process the project through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program, which program is available to an Owner/Permittee only on a voluntary basis. Accordingly, prior to receiving the first residential building permit, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by providing evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ["Procedures Manual"] previously approved by the City Council of the City of San Diego, demonstrating that the Owner/Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.0303(f) because the Owner/Permittee is receiving specific regulatory incentives and/or concessions from a public agency that result in identifiable, financially sufficient, and actual project cost reductions, including but not limited to expedited permit processing provided through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program and/or the approval of a deviation, waiver or reduction of development standards or regulations [collectively referred to as "development incentives"] and because the Owner/Permittee has voluntarily restricted the 31 rental units at 65% of AMI for a period of 55 years in exchange for such development incentives, as provided for within Part IV of the Procedures Manual.

AIRPORT REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the construction of a City standard curb ramp with truncated domes, at the northeast corner of Sydney Court and Judicial Drive, satisfactory to the City Engineer.

17. Prior to the issuance of the first residential building permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of the first residential building permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

19. Prior to the issuance of the first residential building permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report, satisfactory to the City Engineer.

20. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

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

22. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, 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.

23. 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.

24. Prior to the issuance of the first residential building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drains, removable art sculpture, landscape and irrigation located within the City's right-of-way and City's easement, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

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

26. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The

as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

27. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan and Permit Conditions.

28. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection, whichever is earlier.

30. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

31. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15-gallon size or 60-inch box size /15 foot BTH material, respectively. The Development Services Department may authorize adjustment of the size and quantity of replacement material.

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

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

34. Complete landscape and irrigation construction documents shall be in substantial conformance with Exhibit 'A', Landscape Development Plan and Permit conditions, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree that is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

35. Prior to issuance of the first residential building permit, complete construction documents consistent with SDMC 142.0560(k)(4), Development and Design Regulations for Parking Facilities: The top floor of parking structure that are open to the sky are subject to the vehicular use area requirements of Landscape Regulations (Chapter 14, Article 2, Division 4), shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A" and the recorded permit on file in the Office of the Development Services Department. In the event that Exhibit 'A' drawings conflict with permit conditions for top floor parking structure, permit conditions shall prevail.

36. Prior to the issuance of the first residential building permit, construction documents shall be submitted that includes one or a combination of the following for the parking structure located adjacent to Building 12:

1. Cover all individual parking spaces open to the sky on the roof with solar panels.
2. Provide one automatically irrigated 24- inch box tree in planter within 30 feet of each individual parking space open to the sky.
3. Provide shade structure, such as a trellis w/baffling, to shade 50% of each parking space open to the sky.

PLANNING/DESIGN REQUIREMENTS:

37. 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.

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

39. 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.

40. Prior to issuance of construction permits, the Owner/Permittee shall include a representative of the Environmental Services Department (ESD) and owner/representative to attend preconstruction meetings to ensure that:

- An appropriate destination for soils has been identified;
- An appropriate destination for concrete and asphalt has been identified;
- Grubbed material is separated and taken to Miramar Landfill Greenery;
- Contract documents have recycling specifications included;
- A solid waste coordinator has been identified;
- An appropriate number of bins are provided onsite with appropriate signage;
- Bins are appropriately used and contamination levels are minimized;

- The Construction and Demolition Debris Diversion Deposit Program deposit has been paid;
- An appropriate diversion rate has been included on the deposit form; and
- Materials are being taken to the appropriate facility.

41. Prior to final inspection or issuance of any Certificate of Occupancy the Owner/Permittee shall contact a representative of the Environmental Services Department to schedule an appointment to:

- Inspect and approve a storage area that has been provided consistent with SDMC Section 142.0805, Storage Ordinance;
- Ensure that a hauler has been retained to provide recyclable materials collection and yard waste collection; and
- Inspect and approve the education materials for building tenants/owners that are required pursuant to the City's Recycling Ordinance.

42. Owner/Permittee shall install sound barriers on all north- and east-facing exterior units or buildings 10, 11, and 12.

43. Owner/Permittee shall ensure that Title 24 code standards for interior noise mitigation on the north- and east-facing exterior units for buildings 10, 11, and 12 are exceeded.

TRANSPORTATION REQUIREMENTS:

44. No fewer than 945 total off-street parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A" as follows: 426 off-street automobile parking spaces, 9 accessible parking spaces, 21 motorcycle, and 108 bicycle spaces shall be permanently maintained in Garage A, and 519 off-street automobile parking spaces, 5 accessible parking spaces, 18 motorcycle, and 85 bicycle spaces shall be permanently maintained in the above grade parking structure adjacent to Building 12.

45. 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 Director of Development Services.

46. Prior to the issuance of the first residential building permit, the Owner/Permittee shall dedicate 10 feet along the project's frontage on Judicial Drive at the intersection of Judicial Drive and Sydney Court and construct a right turn lane including a signal modification, satisfactory to the City Engineer.

47. Prior to the issuance of the first residential building permit, the Owner/Permittee shall provide a mutual access easement/shared access easement and a shared parking agreement, satisfactory to the City Engineer.

PUBLIC UTILITIES REQUIREMENTS:

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

49. Prior to the issuance of the first residential building permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

50. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure, by permit and bond the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of Public Utilities and the City Engineer. All irrigation systems must be designed to utilize reclaimed water.

51. Prior to the issuance of the first residential building permit, the Owner/Permittee shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the sewer easement, including but not limited to structures, enhanced paving, or landscaping; No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

52. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities in the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

53. Prior to the issuance of the first certificate of occupancy, all public water and sewer facilities, if required shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

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

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 December 4, 2102, and Resolution No. R-307936.

Site Development Permit No. 919768
Planned Development Permit No. 909766
Approved on December 4, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Laura C. Black, AICP
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.**

La Jolla Crossroads 1, LLC
Owner/Permittee

By _____
Stuart Posnock
Manager/Member

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