

RESOLUTION NUMBER R- 309344

DATE OF FINAL PASSAGE NOV 18 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 1212413 FOR THE LA MIRAGE DEVELOPMENT PROJECT NO. 346480, AMENDING PRD NO. 98-0786

WHEREAS, the San Diego Municipal Code (SDMC) §112.0509 authorizes the City Council to approve a Process Five Planned Development Permit after a noticed hearing and following Planning Commission consideration; and

WHEREAS, the La Mirage development project site located at 6410-6590 Ambrosia Drive and 6403-6595 Reflection Drive in the Tierrasanta Community Plan area currently consists of 1,410 apartments, several pools, tennis courts and other site amenities; and

WHEREAS, La Mirage Apartments, LLC, Owner/Permittee, proposes to construct an additional 90 residential apartment units with associated subterranean parking, as well as a gated entry and guard house and is concurrently seeking approval of Right-of-Way Vacation No. 1240258 in connection with that proposed project (Project); and

WHEREAS, the Project site is legally described as Lots 1, 2, and 3 of Hilltop, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9577, filed in the Office of the County Recorder of San Diego County on February 26, 1980, together with Parcels 1 and 2 of Parcel Map No. 16049, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 12, 1990; and

WHEREAS, Environmental Impact Report No. 77-0736, evaluated the impact of the La Mirage development and allowed for the subdivision of 77 acres into five residential lots and a

subsequent Mitigated Negative Declaration (MND) No. 98-0786/State Clearing House #99041036 evaluated and allowed the construction of an additional 340 units in connection with Planned Residential Development (PRD) permit No. 98-0786; and

WHEREAS, this Project is the final phase of the La Mirage development; and

WHEREAS, the City of San Diego, as Lead Agency, through the Development Services Department conducted a further environmental review under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. Seq.) for the Project and determined that no new impacts, substantial changes or changed circumstances exist which would require additional environmental review or mitigation beyond the previously prepared EIR and MND as allowed under CEQA Guidelines section 15162 and Public Resources Code section 21166; and

WHEREAS, on July 16, 2014, the Tierrasanta Community Council voted 15-0-0 to recommend approval of the project with no further conditions; and

WHEREAS, on September 25, 2014, the Planning Commission of the City of San Diego, after a noticed public hearing, recommended adoption of Planned Development Permit No. 1212413 and Right of Way Vacation No. 1240258, pursuant to Resolution No. 4620-PC; 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 was required by law implicating due process rights of individuals affected by the decision, and 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 November 18, 2014, 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. 1212413:

PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

A. Findings for all Planned Development Permits

The Land Development Code, codified in San Diego Municipal Code (SDMC) Chapters 11-15, states that the purpose of the Planned Development Permit (PDP) procedure is “to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project.” The PDP regulations, therefore, call for flexibility in development regulations on a site specific basis.

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

The Project proposes to construct 90 apartment units, a gated entry and guard house and associated subterranean parking, with requested deviations to height, sign regulations, storage unit length, and driveway separation distance. The Project also includes a request to vacate public rights-of-way to portions of Reflection Drive and Ambrosia Drive. The project is the final phase of a 1,500 unit apartment project where 1,410 units are already built. The Community Plan designates the site for residential development and the Project is proposing a multi-family residential development.

The Community Plan reflects that the project site consists of approximately 78 net acres, 68 acres of which are considered developable. The Plan also indicates that a residential development of low-medium density is allowed in this area at 15 units per acre thereby setting the allowable density of this site at 1,000 units. However, due to the unique characteristics of this property, the Community Plan allows bonus density of five-units-per-acre increase with approval of a PDP to ensure an attractive, sensitive development which is appropriate for the site characteristics. With the bonus density factored in, the Community Plan recommends a total allowable density of 1,500 units on the Project site. The proposed Project is therefore consistent with the Community Plan land use designation and density range.

The Project is also consistent with the City’s General Plan which encourages in-fill development in already existing urbanized areas. The proposed Project will not adversely affect the applicable land use plans.

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

The Project proposes to construct 90 apartment units, a gated entry and guard house and associated subterranean parking, with requested deviations to height, sign regulations, storage unit length, and driveway separation distance. The Project also includes a request to vacate public rights-of-way to portions of Reflection Drive and Ambrosia Drive. The Project will not be detrimental to the public health, safety and welfare because the PDP controlling the development contains specific conditions addressing the Project's compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area.

Specific site conditions include Best Management Practices necessary to comply with Grading Regulations, compliance with storm water constructions requirements, and construction of new water and sewer services. Conditions of approval further require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations, will assure the continued health, safety and general welfare of persons residing or working in the area.

Because storm water runoff will be controlled, grading activities will conform to City requirements, and new water and sewer service will be constructed in a manner satisfactory to the City Engineer, the proposed Project will not be detrimental to the public health, safety and welfare.

3. The proposed Project complies 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 proposes to construct 90 apartment units, a gated entry and guard house and associated subterranean parking, with requested deviations to height, sign regulations, storage unit length, and driveway separation distance. The Project also includes a request to vacate public rights-of-way to portions of Reflection Drive and Ambrosia Drive. The Project is the final phase of a 1,500 unit apartment project where 1,410 units are already built. Together, granting these four proposed deviations would provide for a more desirable project than would be achieved if designed in strict conformance with regulations of the applicable zone.

a. Building Height

The Project would deviate from the 40-foot height limit of the underlying RM-2-5 zone to allow for a 78-foot tower element (a 38-foot deviation) and a 72-foot (maximum) residential building (a 32-foot deviation). SDMC §143.0410(j)(2) recommends that the scale of any proposed projects be consistent with the surrounding neighborhood scale. SDMC §143.0410(j)(4) recommends projects avoid a repetitious development pattern.

The Project proposes height deviations which are consistent with the surrounding development as previous phases of the project developed at greater height prior to development regulation changes to the underlying zone. The Project site is surrounded by two-story buildings on the perimeter and the structures step up to five stories near the center of the site. Allowing the proposed height deviations, therefore, would maintain the existing progression in building mass and height. The Project site is isolated from other development in the community and there are no single family homes or other low profile structures in the immediate vicinity.

Further, the height deviation requested for the addition of a non-habitable tower element will help avoid a repetitious development pattern and will help create a sense of place that is visible from the Project's entry drive.

The proposed Project height deviations are, therefore, consistent with the Land Development Code and the Community Plan. The proposed height deviations are appropriate for the Project location and will result in a more desirable project than would be achieved with strict conformance with the development regulations of the underlying zone.

b. Sign Regulations

SDMC §142.1270(2) permits one ground sign or one wall sign per street frontage and further specifies sign dimensions. The Project proposes one wall sign, one project identification (ID) sign, one secondary project directional sign, and one corner project ID sign. In addition, one large project ID sign would be removed from Friars Road at Rancho Mission Road. The Project proposes deviations to these sign regulations to provide an enhanced visual appearance and improved way finding. The Project also proposes a deviation to allow sign area and sign height in excess of SDMC Section 142.1270(2) as follows:

Wall Sign - The existing wall sign is 274 square feet (SF) where the SDMC allows 16 SF. The proposed wall sign would be 289 SF.

Project ID Sign - The existing project identification sign is 120 SF where the SDMC allows 11 SF. The proposed identification sign would be 166 SF. That same sign is 17 feet high and the SDMC allows that sign to be 4 feet in height. The proposed sign would be 9 feet in height (a 47% reduction).

Secondary Project Directional Sign - There is currently no secondary project directional sign on Santo Road near the entrance to Admiral Baker Field. The SDMC allows this sign to be 3 SF and two feet in height. The proposed sign would be 16 SF and 5 feet, six inches tall.

Corner Project ID Sign - Finally, the existing corner project identification sign is 51 SF and 12 feet, six inches in height where the SDMC allows 16 SF and six feet in height. The proposed sign would be 71 SF and six feet in height.

The Community Plan states that it would be "advantageous to utilize the PRD [PDP] procedure to ensure an attractive, sensitive development which is appropriate for the site characteristics." The Community Plan describes the Project site as being, "in an isolated corner

of the community, surrounded by a highway, a prime arterial and a major street,” and “also unique due to its prominent hilltop location.” The Project site has been further isolated by land use policies and the location of open space that presents challenges to connecting Santo Road between Mission Valley and Tierrasanta. The roadway has not yet become the originally planned major roadway and is currently more of an isolated remnant roadway, reducing public awareness of the Project’s location. As noted in the Community Plan, due to the location of the Project “in an isolated corner of the community,” and its “prominent hilltop location,” the location and mere existence of the Project can be easily missed.

At full build out the Project will have 1,500 units of multi-family housing, which provides a significant amount of housing stock at various affordability rates for San Diego residents. It is, therefore, desirous to allow the public to locate the Project using signage that provides adequate identification and way-finding, while ensuring an attractive, sensitive development consistent with the Project site. To that end, the Project proposes a sign plan that will refurbish and enhance the existing on-site signage. The Project proposes to replace the identification sign overlooking the corner of I-15 and Friars road with a similar sign that will increase the total sign area from 274.15 square feet to 289 square feet. As noted in the Community Plan the isolated hilltop location of the Project poses unique opportunities to identify the property to passing motorists on the surrounding highway. The enhancements to the identification sign will minimally increase the size of the existing sign, while enhancing the design. Sharpening of the signage font will enable easier identification for passing motorists, thereby overcoming the “isolated” constraints of the site.

In addition, the Project’s location at current end of Santo Road requires way-finding signs to ensure prospective residents and guests arrive at the Project without turning around on the long, straight roadway, or down toward Admiral Baker Field. The Project sign plan proposes three way-finding signs along Santo Road at the corner with Friars Road, at the halfway point on Santo Road, and at the entryway at Ambrosia Drive. The sign plan reduces the height of the existing way finding sign at the corner of Friars and Santo Roads from 17.1 feet to 9.45 feet while increasing the total sign area from 120 square feet to 165.82 square feet. The reduction in height, and increased horizontal area, along with the consistent design theme with the other signs in the plan, creates an attractive entry that enhances way-finding while reducing vertical massing.

A new 5.5 foot sign just beyond the entrance to Admiral Baker Field is proposed to keep residents and guests from mistakenly turning down this road which would require them to u-turn to return the path to the Project. The final sign at Ambrosia Drive provides drivers with an understated destination sign before entering the Project.

The sign plan includes consistent design features that will provide much needed way-finding to this “isolated corner of community,” and is needed to allow prospective residents and guests to find the Project. Therefore, consistent with SDMC §143.0401 and §143.0410, the deviations in the sign plan provide flexibility in achieving a zone-equivalent project that will be consistent with the intent of the base zone while creating an equitable balance of development given the site constraints stated in the Community Plan.

c. Storage Unit Horizontal Length

The RM-2-5 zone requires that each apartment unit have a fully enclosed, personal storage area outside the unit that is at least 240 cubic feet (CF) and each storage area must have a minimum 7-foot horizontal dimension. The Project meets or exceeds the cubic footage requirement for all storage areas but deviates from the minimum horizontal dimension requirement for 15 units due to structural constraints. The 15 units deviating from the horizontal dimension requirement would include a 90 CF storage area on the apartment balcony and would provide a 160 CF of storage area within the garage level, exceeding the 240 CF requirement. The 15 apartment units with split storage configurations are one-bedrooms and these typically have less on-site storage needs than multi-bedroom units with more residents. The proposed deviation will allow the Project to reach the maximum unit density contemplated by the Community Plan without loss of storage capacity, and, therefore, would provide a more desirable project than would be achieved if designed in strict conformance with the storage regulations of the applicable zone.

d. Driveway Separation

The Land Development Code requires a 45-foot separation between driveways. Due to the existing topography of the site and to preserve open space areas to the north, a reduction in the required distance between the two proposed driveways is required at the entry to the Project on Ambrosia Drive at Santo Road. Providing the additional 25 feet between the proposed driveways as required would necessitate cutting into open space terrain to the north of the proposed entrance and a landscaped area south of the right-of-way. The Project proposes to use an existing paved right of way reducing the distance between driveways to 20-feet.

Consistent with SDMC §143.0410(a)(2), the proposed deviation would provide flexibility in achieving a zone-equivalent project that will be consistent with the intent of the base code to provide safe ingress and egress by reducing the potential for vehicular collisions due to opposing traffic movements. The proposed driveway width is compliant with the minimum access width for the City of San Diego Fire Department per FPB policy A-08-1, and, therefore, the deviation would not impede emergency vehicle access.

Further, using the existing right-of-way would reduce ground disturbance and not increase the amount of impervious surface in the area. This would reduce storm water runoff/sediment discharge from the site.

In summary, allowing the requested height deviation for the Project would be consistent with the surrounding development, maintain a progression in building mass and height, be consistent with the surrounding neighborhood scale, avoid a repetitious development pattern and would preserve the open space surrounding the site as called for in the Community Plan.

The requested sign deviation would provide adequate identification and way finding, ensure that prospective residents and guests arrive at the Project without long, out-of-direction travel, and would create an attractive entry while reducing vertical massing.

Allowing the horizontal length deviation to the storage area requirement for 15 out of 90 apartment units would allow the proposal to exceed the cubic footage requirement for all storage areas and would allow the Project to build 90 units on the Project site as contemplated by the Community Plan.


The driveway separation deviation would preserve open space and a landscaped area south of the right-of way, consistent with the Community Plan. The proposal would meet the intent of the regulations of providing safe ingress and egress.

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

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that Planned Development Permit No. 1212413, amending PRD No. 98-0786, is approved and is granted to La Mirage Apartments, LLC, Owner/Permittee, under the terms and conditions set forth in the Planned Development Permit which is made a part of this Resolution.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this Resolution, attested by the City Clerk under seal, in the office of the County Recorder.

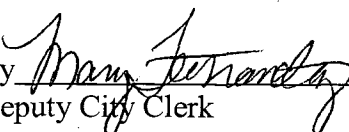
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jenny K. Goodman
Deputy City Attorney

JKG1:mfc
10/29/2014
Or.Dept: Dev. Services Dept.
Doc. No. 890898

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 18 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004197

PLANNED DEVELOPMENT PERMIT NO. 1212413
LA MIRAGE PROJECT NO. 346480
AMENDMENT TO: PRD NO. 98-0786
CITY COUNCIL

This Planned Development Permit is granted by the **City Council** of the City of San Diego to La Mirage Apartments, LLC, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] Section 143.0410. The 11.7-acre site is located at 6410-6590 Ambrosia Drive and 6403-6595 Reflection Drive in the RM-2-5 and RM-1-1 zones of the Tierrasanta Community Plan Area. The project site is legally described as: Lots 1, 2 and 3 of Hilltop, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9577, filed in the Office of the County Recorder of San Diego County on February 26, 1980, together with Parcels 1 and 2 of Parcel Map No. 16049, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 12, 1990.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing courts and pool, and build a 90-unit, multi-family 134,225 square-foot structure with subterranean parking, gated entry and guard house on portions of an 11.7-acre site, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 18, 2014, on file in the Development Services Department.

The project shall include:

- a. The construction of 90 apartment units, 134,255 square feet;
- b. Deviations to height, sign regulations, storage space, and driveway separation;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;

- 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 November 18, 2017.
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. 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.

AFFORDABLE HOUSING REQUIREMENTS:

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

ENVIRONMENTAL REQUIREMENTS:

12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration LDR No. 98-0786, satisfactory to the City Manager and the City Engineer. As specifically outlined in the MMRP, all paleontological mitigation measures shall be implemented prior to the release of the grading bond.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

14. Prior to the issuance of any construction 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.

15. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

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

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

18. 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.

19. 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.

20. This project proposes to export 20,111 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

22. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit complete Landscape Construction Documents showing the brush management zones on the property in substantial conformance with Exhibit 'A' in accordance with the Landscape Standards and to the satisfaction of the Development Services Department.

23. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

24. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

25. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. 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.

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

PLANNING/DESIGN REQUIREMENTS:

27. 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.

28. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as 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.

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

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

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

32. The project site is required to provide a minimum of 81,700 square feet of useable and total open space. The open space may be modified and/or relocated but maintain a minimum of 81,700 square feet of open space for Lot 2 (Map 9577) at all times.

33. Except for the granted deviation herein, all signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

TRANSPORTATION REQUIREMENTS:

34. A minimum of 855 (655 from PRD No. 98-0786 plus 190 for current project) automobile spaces (including 4 standard accessible spaces and 2 van accessible spaces), 9 motorcycle spaces, and 39 bicycle spaces with rack(s) are required by the Land Development Code. 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 Development Services Director.

35. Prior to issuance of any building permit, the owner/permittee shall assure by permit and bond construction of a temporary (asphalt berm) cul-de-sac at the northern end of Santo Road with a minimum pavement radius of 54 feet within 64 feet of right-of-way, satisfactory to the City Engineer. Prior to issuance of the first certificate of occupancy, the cul-de-sac shall be completed and accepted by the City Engineer.

36. Prior to issuance of any building permit, the owner/permittee shall assure by permit and bond construction of two 20-foot directional driveways with 20-foot raised median separation at the site off the temporary (asphalt berm) cul-de-sac at Santo Road, satisfactory to the City Engineer. Prior to issuance of the first certificate of occupancy, the driveways shall be completed and accepted by the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

37. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond relocate the existing 10" water main within Ambrosia Drive right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and the City Engineer.

38. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of an 8" sewer cleanout within Friars Road parkway on the existing 8" sewer main as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and the City Engineer. The existing onsite sewer facilities will be privatized.

39. All onsite sewer facilities will be private and shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director, the City Engineer.

41. Prior to the issuance of any building permits, 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 Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

42. 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 Public Utilities Director and the City Engineer.

43. The Owner/Permittee shall provide keyed access to the Water Operations Branch and Wastewater Collection Divisions of the Public Utilities Department in a manner satisfactory to

the Public Utilities Director. The City will not be responsible for any issues that may arise relative to the availability of keys.

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

45. 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.

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 November 18, 2014 and

R- 309344.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Morris E. Dye
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 Mirage Apartments, LLC
Owner/Permittee

By _____
Mark Middlebrook
Vice President

La Mirage Apartments, LLC
Owner/Permittee

By _____
Todd Keller
Vice President

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

Passed by the Council of The City of San Diego on NOV 18 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 18 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309344