

RESOLUTION NUMBER R- 309507

DATE OF FINAL PASSAGE FEB 23 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT  
NO. 714398, CONDITIONAL USE PERMIT NO. 977693, AND  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1124983  
FOR ONE PASEO - PROJECT NO. 193036.

WHEREAS, Kilroy Realty Corporation, Owner/Permittee, filed an application with the City of San Diego pursuant to San Diego Municipal Code [SDMC] Sections 126.0402(d), 126.0303(b), and 153.0201(a) for Site Development Permit No. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983 to construct a phased mixed-use development consisting of multi-family residential, commercial retail, and commercial office known as the One Paseo project; and

WHEREAS, the 23.6-acre site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive with Interstate 5 approximately one quarter mile to the west and State Route 56 approximately one mile to the south; and

WHEREAS, the project site is in the CVPD-EC Zone (to be rezoned to CVPD-MC, concurrent with this permit) within the Carmel Valley Community Plan and the Carmel Valley Employment Center Development Unit Number Two Precise Plan and the project site is legally described as Parcel 1 and 2 of Parcel Map No. 15061 and Parcel 2 of Parcel Map No. 19130 within the City of San Diego, County of San Diego, State of California; and

WHEREAS, on October 16, 2014, the Planning Commission of the City of San Diego considered Site Development Permit No. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983, and pursuant to Resolution No. 4626-PC

voted 5-0-2 to agree in concept that the project is good but was unable to recommend City Council approval at that time based on eleven considerations; 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; NOW, THEREFORE,

WHEREAS, the matter was set for public hearing on February 23, 2015, 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 City Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983:

**Site Development Permit – SDMC Section 126.0504**

1. **The proposed development will not adversely affect the applicable land use plan.** The project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive. The project includes a rezone from the Carmel Valley Planned District (CVPD)-EC Zone to a newly created CVPD-MC (Mixed-Use Center) Zone, amendments to the General Plan, Carmel Valley Community Plan, and the Carmel Valley Employment Center Development Unit Number Two Precise Plan (Precise Plan), a Municipal Code amendment, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit, and a Neighborhood Development Permit for the development of a mixed-use project. The project contains approximately 1,454,000 square-feet of commercial retail, commercial office, a cinema, and 608 multi-family residential units.

The City's General Plan identifies specific communities as distinct planning areas. The project site is within the Carmel Valley Community Planning Area which comprises approximately 4,300 acres east of the I-5 freeway and the Torrey Pines Community, west of the communities of Pacific Highlands Ranch and Del Mar Mesa, south of the San Dieguito River Valley and north of Los Penasquitos Canyon and the Torrey Hills Community.

The Carmel Valley Community Plan is the City's adopted land use plan for the planning area. The community plan defers to neighborhood Precise Plans for specific land use recommendations. The Carmel Valley Employment Center Development Unit Number Two Precise Plan was adopted in 1981 and covers the existing 118-acre business park located between the I-5 freeway and El Camino Real and south of Del Mar Heights Road, which includes the project site. The Community Plan and Precise Plan designate the project site for use and development of an Employment Center. The Carmel Valley Planned District Employment Center (EC) zone allows various employment related uses such as office, research and manufacturing. The zone also allows for limited uses that support employment such as health clubs, onsite food services, and, specifically within certain lots within the subject site, restaurants, and travel bureaus.

Approval of the development project and related permits also requires approval of land use plan amendments to eliminate the project's conflicts with current land uses applied to the site. The amendments and the development project are being processed concurrently. Amendments are proposed to the Precise Plan to redesignate the site from *Employment Center* to *Community Village* and incorporate project design guidelines, implementation measures, and other details related to the project. The Precise Plan amendment also constitutes amendments to the Carmel Valley Community Plan and to the General Plan. The Precise Plan amendment would change the General Plan land use designation from *Industrial Employment* to *Multiple Use* and change the Carmel Valley Community Plan land use designation from *Employment Center* to *Community Village*. In addition, a Municipal Code amendment is being processed concurrently to amend the Carmel Valley Planned District to create a new mixed-use zone, *Mixed-Use Center* (MC). A rezone is also proposed to implement the land use plan amendments using the newly created zone.

The proposed development will not adversely affect the applicable land use plans upon approval of the required land use plan amendments. A goal of the Precise Plan amendment is to provide a mixed-use community village for Carmel Valley. The General Plan describes a series of village types of varying parameters and intensities, with neighborhood and community village centers ranging from just a few acres to more than 100 acres. Therefore, the 23-acre site would be sufficient to achieve this goal, as it is a relatively large vacant, centrally located site within this community.

The proposed land use plan amendments and development project would provide the benefit of achieving goals related to a mixed-use community village for Carmel Valley by providing residential, retail, commercial office and public space uses within a walkable 'main street' design.

The project has been designed to implement the vision and goals of the General Plan's Strategic Framework Element, particularly the City of Villages Strategy. The City of Villages Strategy is a departure from the suburban development model employed for many areas of the City by the 1979 General Plan. The General Plan states that "[o]ver the last two centuries, San Diego has grown by expanding outward onto land still in its natural state. This is the first General Plan in the City's continuing history that must address most future growth without expansion onto its open lands. It establishes the strategic framework for how the City grows

while maintaining the qualities that best define San Diego.” Therefore, the General Plan’s direction is to efficiently use the remaining developable land in the City consistent with the new policies of the Strategic Framework. The project proposes a mixed-use development of 1,454,000 square feet where 514,000 square feet could currently be permitted representing an efficient use of remaining developable land.

The Strategic Framework Element recommends mixed-use villages as a desirable development pattern, stating that “new policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. By directing growth primarily toward village centers, the strategy works to preserve established residential neighborhoods and open space, and to manage the City’s continued growth over the long term.” Growth is to be focused into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system.

The project site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the community’s town center across El Camino Real and residential neighborhoods to the north and northeast. As a relatively large, vacant property, the project site provides an infill development opportunity of a unique and distinctive, unifying, mixed-use village center for Carmel Valley. The project proposes to combine housing, shopping, employment and civic uses into a compact, self-contained, pedestrian-friendly community village that implements the vision of the General Plan.

A main goal of the Carmel Valley Community Plan is to establish a physical, social, and economically balanced community. The balanced community concept is met through identification of specific amount and single-family and multi-family housing for a range of incomes, the provision of a relatively large employment center, and a town center neighborhood intended to serve as a community core with a mix of retail, office, higher density residential and an array of public uses. Each residential neighborhood is to contain a focal point that includes a school and/or neighborhood shopping center linked by pedestrian and bicycle trails. The Community Plan provides a framework for development and adoption of neighborhood plans through a precise plan process, including the timely provision of public facilities.

The project would further a physical, social, and economically balanced community by combining residential, commercial, and civic uses within a centrally-located village center. The Carmel Valley community is underserved by retail space so there is a market demand for additional retail. The project would provide additional commercial retail and service uses in the core of the community where they can be more easily accessed via multiple transportation modes. This would allow capture of more shopping and entertainment trips within the community. The addition of multi-family housing within a mixed-use village-type format provides an additional housing choice within the community. Potential impacts to public facilities and services would be offset by payment of the Facilities Benefit Assessment fee.

In addition to the mixed-use land use plan, multiple design elements of the project’s site plan, and building program contribute to a pedestrian-friendly ‘Main Street’ design that would implement General Plan urban design policies related to the City of Villages Strategy. The

project proposes a network of local streets within the project site (including a 'Main Street') that breaks up the existing superblock pattern. This is consistent with General Plan guidance to retrofit existing large-scale development patterns, such as "superblocks" or "campus-style" developments, to provide more and improved linkages among uses. The proposed vertical integration of retail and residential uses would provide desirable street level activity. The 'Main Street' design and centrally located main plaza would provide walking opportunities and gathering spaces to promote social interaction and a sense of community. The design of the project has virtually eliminated views of parked automobiles by locating spaces either largely below ground or within above grade parking structures that are concealed behind building facades.

The General Plan calls for villages to be connected by "high quality transit," but does not contain a precise definition for the term. However, Policy ME-B.1a calls for "an urban network of routes that operate with a base, mid-day service frequency of ten-minute intervals or better (Policy ME-B.1.a)." Further guidance is provided by state law; Section 21155 of the California Public Resources Code (relating to implementation of the Sustainable Communities Strategy) states that "a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours."

Carmel Valley is not currently served by public transit. The nearest bus line connects North County coastal communities with the University community along Highway 101. There is also a Coaster rail station in Sorrento Valley. The 2050 Regional Transportation Plan prepared by the San Diego Association of Governments (SANDAG) identifies several future bus routes that would provide local and regional high frequency service to Carmel Valley with potential stops at the project site. Of these, a rapid bus route would connect Oceanside and University Town Center with potential stops within Carmel Valley and the Sorrento Valley Coaster station in the year 2030. The timing between anticipated completion of the project in 2017 and planned provision of public transit represents a considerable period of time in which the project would not be served by public transit.

To address the lack of current public transit service, the proposed development would include a Transportation Demand Management (TDM) program including a shuttle service between the project and the Sorrento Valley Coaster station and the High Bluff corridor. The shuttle would operate at 15-minute intervals during AM/PM peak periods, the lunch hour, and other times as appropriate (including school hours) satisfactory to the City Engineer.

The project would provide sustainable features to reduce waste, conserve energy and water, reduce greenhouse gas emissions and lower long-term operating costs. The project has been registered with the Green Building Certification Institute with a certification goal of LEED Silver under the LEED for Neighborhood Development rating system. The proposed project has achieved a Smart Location and Linkages Prerequisite review approval; the first certification level from the Green Buildings Certification Institute.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive. The project includes Rezone from the Carmel Valley

Planned District (CVPD)-EC Zone to a newly created CVPD-MC (Mixed-Use Center) Zone, Amendments to the General Plan, Community Plan and Precise Plan, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit and a Neighborhood Development Permit for the development of a mixed-use project. The project contains approximately 1,454,000 square-feet of commercial retail, commercial office, a cinema and 608 multi-family residential units.

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed One Paseo project, Project No. 193036. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The direct project-level significant, unmitigable impacts are within the area of Visual Effects and Neighborhood Character and Transportation/Circulation/Parking. The applicant has provided their Findings and Statement of Overriding Considerations, which conclude that the project would be an economic engine that would create numerous construction jobs and long-term employment opportunities, address infrastructure needs, and revitalize the Carmel Valley economy. Further, the project would fulfill the City of Villages planning strategy by integrating a variety of residential, commercial and civic land uses, as well as providing a greater range of housing options. The project would also enhance the overall quality of life in the Carmel Valley community by providing enhanced landscape and community monuments and export materials to replenish beach sand supply as well as the implementation of a Transportation Demand Management Program.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The Project has been designed with adequate storm water controls during construction and operation to comply with the City of San Diego storm water regulations. This will result in better downstream water quality and therefore protect and preserve the public health and safety of surface waters.

The overall circulation network for the project has been planned to balance compatibility between pedestrians, bicycles and motor vehicles, while separating them for enhanced public safety purposes. The project is planned as a "park once" environment, where people are encouraged to park in one place and then make stops on foot, rather than driving from one destination to another. This creates the type of environment where people can easily walk or bike between destinations and reinforces a safe pedestrian and bicycle experience. Parking within the site area will be predominantly located within underground parking structures or above-ground facilities, minimizing the interaction between cars and people, while maximizing public safety. The project is projected to pay approximately \$13.7 million in Facilities Benefit Assessment fees, which will go toward the provision of public services such as roads, parks, libraries, and open space that will be beneficial to health and welfare of the community.

The permits for the project contains specific conditions addressing project 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. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive. The project includes a Rezone from the Carmel Valley Planned District (CVPD)-EC Zone to a newly created CVPD-MC (Mixed-Use Center) Zone, amendments to the General Plan, Community Plan, and Precise Plan, amendments to the Municipal Code, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit and a Neighborhood Development Permit for the development of a mixed-use project. The project contains approximately 1,454,000 square-feet of commercial retail, commercial office, a cinema and 608 multi-family residential units.

The new CVPD-MC zone allows a diversity of uses, including residential, retail, restaurants, hospitality, workplace, and civic activities. The intent of the CVPD-MC Zone is to create a compact, multi-functional, mixed-use community village. Use and development regulations of the CVPD-MC Zone are based on the City-wide CC-5-5 Zone, which is cross-referenced in the new zone. The maximum FAR of the CC-5-5 zone is 2.0. Allowable uses within the proposed zone would be the same as those for the CC-5-5 zone classification (Table 131-05B in Section 131.0552 of the Municipal Code). The proposed residential, commercial retail, and office would be allowable uses per the zone. The Precise Plan amendment, which will be concurrently adopted with the rezone, provides additional design and implementation regulations consistent with the requirements of the Land Development Code (LDC). The Project will therefore comply with all the applicable regulations of the LDC, as amended by the Project approvals, and no deviations are requested.

#### **Conditional Use Permit – Section 126.0305**

**1. The proposed development will not adversely affect the applicable land use plan.** The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

Although the Carmel Valley Community Plan and the Employment Center Precise Plans do not specifically discuss cinemas, the Strategic Framework section of the General Plan defines, a “village” is defined as “the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated.” The project has been designed to include residential, commercial, employment and civic uses, integrated into a village setting with pedestrian and bicycle connections to adjacent properties and community trails. The proposed cinema adds an entertainment use that is considered desirable for increasing evening activity within mixed-use developments and supporting other uses such as restaurants.

The site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the commercial area across El Camino Real and residential

neighborhoods to the north and northeast. To accommodate the mix of uses proposed, an amendment to the Carmel Valley Community Plan is being proposed to change the designation of the site from *Employment Center* to *Community Village*. This is consistent with the General Plan policy that existing land should be developed consistent with the “village” concept in communities throughout San Diego. Therefore, the addition of the cinema to the overall development and the community will not adversely affect the land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office, and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed One Paseo project, Project No. 193036. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The direct project-level significant, unmitigable impacts are within the area of Visual Effects, Neighborhood Character, and Transportation/Circulation/Parking. The applicant has provided their Findings and Statement of Overriding Considerations, which conclude that the project would be an economic engine that would create numerous construction jobs and long-term employment opportunities, address critical infrastructure needs, and revitalize the Carmel Valley economy. Further, the project would fulfill the City of Village planning strategy by integrating a variety of residential, commercial and civic land uses, as well as providing a greater range of housing options. The project would also enhance the overall quality of life in the Carmel Valley community by providing enhanced landscape and community monuments and export materials to replenish beach sand supply as well as the implementation of a Transportation Demand Management Program.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project has been designed with adequate storm water controls during construction and operation to comply with the City of San Diego storm water regulations. This will result in better downstream water quality and therefore protect and preserve the public health and safety of surface waters. Therefore, the proposed cinema will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

The project is located within the Carmel Valley Planned District (CVPD) Ordinance. The current zoning of the property is CVPD-EC (Employment Center). The project includes a rezone



of the site to CVPD-MC (Mixed Use Center), which is a new zone proposed to be added to the CVPD which allows a diversity of uses, including residential, retail, restaurants, hospitality, workplace, and civic activities. The intent of the CVPD-MC Zone is to create a compact, multi-functional, mixed-use community village. Use and development regulations of the CVPD-MC Zone are based on the CC-5-5 Zone (Table 131-05B in Section 131.0552 of the Municipal Code). The Precise Plan amendment, which will be concurrently adopted with the rezone, provides additional design and implementation regulations consistent with the requirements of the Land Development Code (LDC). The proposed cinema as part of the overall development will therefore comply with all the applicable regulations of the LDC, as amended by the project approvals, and no deviations are requested.

**4. The proposed use is appropriate at the proposed location.** The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

The project would further a physical, social and economically balanced community by combining residential, commercial and civic uses within a centrally-located village center. The Carmel Valley community is underserved by retail space so there is a market demand for additional retail. The project would provide additional commercial retail and service uses in the core of the community where they can be more easily accessed via multiple transportation modes. This would allow capture of more shopping and entertainment trips within the community.

The site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the commercial area across El Camino Real and residential neighborhoods to the north and northeast. To accommodate the mix of uses proposed, an amendment to the Carmel Valley Community Plan is being proposed to change the designation of the site from *Employment Center* to *Community Village*. The development of a cinema in this location is consistent with the mix of uses and will serve this site and the existing residential and commercial uses within the surrounding community.

#### **Neighborhood Development Permit (NDP) - Section 126.0404**

**1. The proposed development will not adversely affect the applicable land use plan.** The project proposes commercial tandem parking within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires tandem parking for commercial uses obtain a Neighborhood Development permit.

The Carmel Valley and Employment Center Precise Plans do not specifically address interior parking arrangements for commercial developments. However, the General Plan encourages efficient parking arrangements and reduction in parking visibility. The proposed tandem parking arrangement would more efficiently use space by eliminating the need for additional drive aisles.

Tandem parking for commercial uses may be approved provided the tandem parking is limited to the assigned employee parking spaces and/or valet parking associated with restaurant use. Tandem parking is encouraged throughout the City in order to reduce the need for additional parking areas. The permit has been conditioned to allow a maximum of 206 (103 dual) tandem spaces and shall be dedicated to employee parking only. Therefore the provision of tandem parking would not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes commercial tandem parking within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires tandem parking for commercial uses obtain a Neighborhood Development permit.

Tandem parking for commercial uses may be approved provided the tandem parking is limited to the assigned employee parking spaces and/or valet parking associated with restaurant use. Tandem parking is encouraged throughout the City in order to reduce the need for additional parking areas. The permit has been conditioned to allow a maximum of 206 (103 dual) tandem spaces and shall be dedicated to employee parking only.

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed One Paseo project, Project No. 193036. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The proposed project would result in direct project-level significant, unmitigable impacts in the areas of Visual Effects and Neighborhood Character and Transportation/Circulation/Parking.

The project would provide 3,688 parking spaces throughout the site upon build out, where 3,520 parking spaces are required for a surplus of 168 parking spaces. The project would utilize a shared parking program and would be able to provide all the required parking and is not considered a significant impact.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the constructions and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. Therefore, the proposed tandem parking will not be detrimental to the public health, safety and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project proposes commercial tandem parking within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires tandem parking for commercial uses obtain a Neighborhood Development permit.

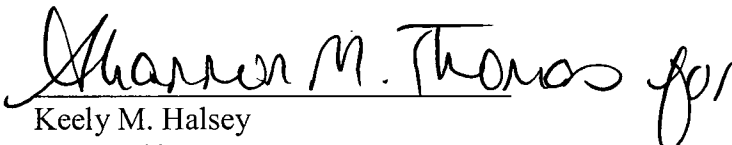
Tandem parking for commercial uses may be approved provided the tandem parking is limited to the assigned employee parking spaces and/or valet parking associated with restaurant use. Tandem parking is encouraged throughout the City in order to reduce the need for additional

parking areas. The permit has been conditioned to allow a maximum of 206 (103 dual) tandem spaces and shall be dedicated to employee parking only. The project, as amended by the project approvals, is not requesting any deviations are requested; therefore it will comply with all the applicable regulations of the Land Development Code.

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. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983 are granted to Kilroy Realty Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit, which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Keely M. Halsey  
Deputy City Attorney

KMH:dkr  
02/11/2015  
02/12/2015 COR. COPY  
02/25/2015 REV.  
Or.Dept: DSD  
Doc. No. 922984\_5

**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: 24000155

**SITE DEVELOPMENT PERMIT NO. 714398**  
**CONDITIONAL USE PERMIT NO. 977693**  
**NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1124983**  
**ONE PASEO, PROJECT NO. 193036: MMRP**  
**CITY COUNCIL**

This Site Development Permit No. 714398, Conditional Use Permit No. 977693, Neighborhood Development Permit No. 1124983, is granted by the City Council of the City of San Diego to Kilroy Realty Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0402(d), 126.0303(b), and 153.0201(a). The 23.6-acre site is located within the CVPD-MC Zone (proposed Carmel Valley Planned District-Mixed-Use Center), Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map No. 15061 and Parcel 2 of Parcel Map No. 19130 within the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop a mixed-use project described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 23, 2015, on file in the Development Services Department.

The project shall include:

- a. Phased construction of a mixed-use development with a maximum of 1,454,069 square feet (sf) consisting of approximately 198,500 sf of commercial retail, approximately 492,840 sf of commercial office and 608 (714,729) multi-family residential units;
- b. Civic space areas (including plazas and paseos), internal roadways, landscaping, hardscape treatments, utility improvements, and parking facilities to support these uses;
- c. Cinema with 1,200 seats and approximately 48,000 square feet;

- d. Approximately 3,688 parking spaces provided throughout the site in subsurface garages, one above-ground parking structure, and small surface lots.
- e. A maximum of 206 (103 dual) tandem spaces provided and dedicated to employee parking only;
- f. Associated off-site improvements, including frontage improvements, utility extensions, access improvements, and intersection improvements;
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Pursue a LEED Gold rating certification for the project's office buildings;
- i. Utilization of energy and water efficiency standards, "cool" roofs, and paving materials and an extensive onsite recycling and composting program;
- j. The payment of up to \$40,000 towards the design and installation of Carmel Valley community monument signs at Del Mar Heights Road and High Bluff Drive and at the south end of El Camino Real, north of the SR-56. If the funds are not used for the stated purpose within 5 years of payment, the money shall be refunded to the Owner/Permittee;
- k. The payment of \$1,100,000 towards Project No. T-44 (I-5 Underpass-Bikeway/Pedestrian Connector) of the 2014 Carmel Valley Public Facilities Financing Plan;
- l. The payment of \$150,000 to the City's Traffic Engineering Operations Division, towards the investigation and installation of traffic calming measures on High Bluff Drive north of Del Mar Heights Road. If the funds are not used for the stated purpose within 5 years of payment, the money shall be refunded to the Owner/Permittee;
- m. A boulevard-style (or similar) design treatment along the Del Mar Heights Road project frontage with separated bicycle tracks as part of the City's pilot program for innovative bicycle facilities;
- n. Agreements with local jurisdictions that include beaches that participate in a beach sand replenishment effort. Up to an estimated 250,000 cubic yards of the project's export material has been prequalified in a Final Sampling and Analysis Plan (SAP) and approved by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency. To the extent that the project's grading operations occur between October and March, qualified beach sand material can be exported to local beaches as a part of the project's grading and excavation phase. Several receiving beach sites have been identified and possess open Sand Compatibility Opportunistic Use Permits (SCOUP). These permits allow the subject beaches to receive qualified sand material between October and March;

- o. If approved by Caltrans, the Owner/Permittee shall fund, at no cost to the City or increase in cost to the existing Carmel Valley Maintenance Assessment District, the incremental increase in long-term maintenance costs resulting from certain proposed median landscaping enhancements on Del Mar Heights Road within the jurisdiction of Caltrans as shown on Exhibit "A";
- p. Contribution to Caltrans of \$307,500 in addition to the Owner/Permittee's fair share payment towards the provision of a third eastbound through lane on the Del Mar Heights Road bridge;
- q. Signage; and
- r. 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 February 23, 2018.
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. This Permit may be developed in phases per Exhibit "A," on file in the Development Services Department, and as specified further within this Permit.

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

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

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] No. 193036 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 193036, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 193036, to the satisfaction to the Development Services Department and the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

**TRANSPORTATION/CIRCULATION/PARKING, VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER, NOISE, PALEONTOLOGICAL RESOURCES, BIOLOGICAL RESOURCES, HEALTH AND SAFETY, and HISTORICAL RESOURCES.**

**AFFORDABLE HOUSING REQUIREMENTS:**

15. 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.). Ten percent (60 units) of the on-site housing would be affordable and provided at 65% AMI.

**PARK AND RECREATION REQUIREMENTS:**

16. The Owner/Permittee shall ensure equal recreational access to both project residents and the general public over the 1.1-acre passive recreation area and the 0.4-acre children's play area as identified in Block "C" on Exhibit "A." The passive recreation area and children's play area shall be owned and maintained by the Owner/Permittee at the Owner/Permittee's expense, and shall not be considered City parkland.

**SOLID WASTE REQUIREMENTS:**

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

- An appropriate destination for soils has been identified;



- Concrete, wood, and dry wall are separated and appropriate 100% recycling destinations are identified and used;
- Grubbed material is separated and taken to Miramar Landfill Greenery;
- Contract documents verify that 5% buy recycled program is completed using consumer/preconsumer recycled materials;
- A solid waste coordinator has been identified;
- An appropriate number of bins are provided with appropriate signage;
- Bins are appropriately used and contamination levels are minimized;
- The Construction and Demolition Debris Diversion Deposit Program deposit has been paid; and
- Materials are being taken to the appropriate facility.

18. 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 San Diego Municipal Code Chapter 14: General Regulations, Article 2: General Development Regulations Division 8: Refuse and Recyclable Materials Storage Regulations;
- Ensure that a hauler has been retained to provide recyclable materials collection and yard waste collection;
- Inspect and approve the education materials for building tenants/owners that are required pursuant to the City's Recycling Ordinance; and
- Identify a contact person for follow-up on food waste collection/composting.

#### **ENGINEERING REQUIREMENTS:**

19. This Permit shall comply with the conditions of Vesting Tentative Map No. 714401.

20. The Owner/Permittee shall construct three City standard commercial driveways on El Camino Real. All signalized driveways shall comply with City Standard Drawings SDG-163, satisfactory to the City Engineer.

21. Prior to the issuance of any 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 and active grading of the project site, including the movement of earthen materials associated with onsite grading and/or the loading of earthen materials into trucks for offsite disposal, shall be limited to 5.75 acres at any one time, in a manner satisfactory to the City Engineer.

22. 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.

## LANDSCAPE REQUIREMENTS:

23. 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, the San Diego Low Impact Development Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
24. Prior to issuance of any engineering permits for 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 label and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
25. Prior to issuance of any construction permits for structures (including shell), 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 provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).
26. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
27. 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.
28. 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.
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, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

**GEOLOGY REQUIREMENTS:**

30. 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.

31. 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.

**PLANNING/DESIGN REQUIREMENTS:**

32. The Owner/Permittee shall develop the project using energy and water efficiency standards, "cool" roofs, and paving materials and will establish an extensive onsite recycling and composting program to the satisfaction of the Development Services Director.

33. 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.

34. The building heights for the two office buildings (Buildings 9 and 12 as shown on Exhibit "A") shall not exceed a maximum height of 150 feet.

35. Signage shall comply with the Carmel Valley Signage Guidelines and Criteria. Notwithstanding any provision of the Carmel Valley Planned District Ordinance to the contrary, all signage located within the Carmel Valley Planned District area shall conform to the Carmel Valley Signage Guidelines and Criteria adopted by the City Council on January 9, 1991, and filed in the office of the City Clerk as Document No. OO-17578.

36. Fences and walls shall conform to the fence regulations in San Diego Municipal Code (SDMC), Chapter 14, Article 2, Division 3.

37. All construction plans shall be reviewed against the underlying zone and the Carmel Valley Employment Center Development Unit Two Precise Plan design guidelines.

38. Prior to the issuance of building permits for Block C, the approval of a Process 2 Substantial Conformance Review (SCR) shall be required. All other ministerial permits shall be in processed in accordance with SCR Process 1 as described in the San Diego Municipal Code."

39. The Owner/Permittee shall post a copy of each approved discretionary Permit or Vesting Tentative Map in its sales office for consideration by each prospective buyer.

40. 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 of the SDMC.

### **TRANSPORTATION REQUIREMENTS**

41. A traffic signal synchronization and emergency vehicle preemption program at approximately 45 intersections throughout Carmel Valley with state-of-the-art technology. Of those, approximately 10 to 13 intersections along the Del Mar Heights corridor will be equipped with an adaptive traffic control system that will be installed with the first phase of the project. The Owner/Permittee will fully fund the installation of the program, as well as the operation of the program for two (2) years after installation. The traffic signal synchronization program will be implemented under the direction of the City's traffic operations division, prior to the issuance of the first certificate of occupancy, to the satisfaction of the City Engineer.

42. In accordance with the shared parking study (prepared by Walker Parking Consultants dated December 16, 2011 and revised November 29, 2012), a minimum of 3,520 (3,688 to be provided at project build out) automobile parking spaces shall be provided within the approximate location shown on the project's Exhibit "A," including 73 automobile disabled accessible, 17 van accessible and 162 carpool spaces. A minimum of 136 motorcycle and 327 bicycle spaces shall be provided on-site. Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code (LDC), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department. Minimum required parking per the LDC shall be provided at each stage in the project's phasing.

43. The regulations of Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations) shall apply except the minimum required number of parking spaces (at project build out) shall be determined in accordance with the shared parking study (prepared by Walker Parking Consultants dated December 16, 2011 and revised November 29, 2012) that is Appendix "D" of Environmental Impact Report No. 193036.

44. No medical office use shall be allowed in the project unless and until the Owner/Permittee provides an analysis demonstrating that the project's total ADT, AM peak hour in, AM peak hour out, PM peak hour in and PM peak hour out volumes are less than or equal to that shown in the "Reduced Main Street Alternative" traffic memorandum (prepared by Urban System Associates dated September 24, 2013, Appendix "C.1" of Environmental Impact Report No. 193036) and that the project's total parking requirement is less than or equal to 3,520 parking spaces (3,688 to be provided at project build out) per the shared parking study (prepared by Walker Parking Consultants dated December 16, 2011 and revised November 29, 2012, Appendix "D" of Environmental Impact Report No. 193036), satisfactory to the City Engineer.

45. Prior to the issuance of the first building permit, the Owner/Permittee shall record Shared Parking Agreements among all parcels for the proposed parking spaces located on site, satisfactory to the City Engineer.

46. The 1,116 residential parking spaces shall be physically separated from the commercial spaces and be clearly marked and designated as residents' parking.

47. A maximum of 206 of the required parking spaces may be provided as tandem spaces (103 dual spaces) and shall be dedicated to employee parking only.

48. Off-street loading spaces shall be provided per the City's LDC, Article 2, Division 10. The Owner/Permittee proposes to provide 12 off-street (where 9 are required) loading spaces.

49. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening of Del Mar Heights Road to provide an eastbound exclusive right turn lane at two project entrances and at the intersection of Del Mar Heights Road and El Camino Real with 8-foot wide non-contiguous sidewalk within a 22-foot wide landscaped parkway, satisfactory to the City Engineer.

50. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening of El Camino Real to provide southbound exclusive right turn lanes at four project entrances with an 8-foot wide non-contiguous sidewalk within a 17-foot wide landscaped parkway, satisfactory to the City Engineer.

51. For all transportation permit conditions and mitigation measures that refer to project phases, the following ADT's per phase shall apply (per the Transportation Phasing Plan that is Attachment 89 of the Urban System Associates' "Reduced Main Street Alternative" traffic memorandum dated September 24, 2013, Appendix "C.1" of Environmental Impact Report No. 193036), satisfactory to the City Engineer:

- a. Phase 1: 10,245 ADT-728 AM peak hour in and 122 AM peak hour out; 344 PM peak hour in, 852 PM peak hour out.
- b. Phase 2: 18,030 ADT- (Phase 1 and Phase 2 project trip generation) 867 AM peak hour in, 260 AM peak hour out; 769 PM peak hour in, 1,245 PM peak hour out.
- c. Phase 3 (project build-out): 23,854 ADT- (total project trip generation) 944 AM peak hour in, 433 AM peak hour out; 1,111 PM peak hour in, 1456 PM peak hour out.

If the phases are not developed in the order presented in the EIR, or if the phases overlap, then the required mitigation shall be tied to the trips generated (total ADT, AM in, AM out, PM in, PM out) by the actual development proposed by the Owner/Permittee regardless of that development's physical location onsite, satisfactory to the City Engineer.

52. Prior to the issuance of any building permits for Phase 3, the Owner/Permittee shall implement the Transportation Demand Management Plan, dated May 2014, that includes information kiosks in central locations, bike lockers, priority parking spaces for carpools, electric vehicle charging systems and a shuttle system (as detailed in condition #52) for residents and employees that initially connects to the Sorrento Valley Coaster Station.

53. Prior to the issuance of any building permits for Phase 3, the Owner/Permittee shall provide and maintain a shuttle vehicle system which includes shuttle service from the project through the Employment Center in Carmel Valley to the Sorrento Valley Coaster Station, arriving and departing at 15 minute intervals during AM/PM peak periods, the lunch hour and other times as appropriate (including school hours) satisfactory to the City Engineer. The frequency and operation of the shuttle service shall be maintained until public transit service is available to serve the project or within close proximity satisfactory to the City Engineer.

54. Any work performed within Caltrans right-of-way will require review and approval by Caltrans.

55. Prior to the issuance of the first building permit the Owner/Permittee shall provide an Access Easement Agreement containing the legal description of the properties involved, the reason for the agreement, and the conditions of the agreement to ensure perpetual mutual access for all lots within the development, satisfactory to the City Engineer.

56. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and First Avenue (private driveway) including widening to provide two westbound left turn lanes and an eastbound right turn lane, satisfactory to the City Engineer.

57. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and Third Avenue (private driveway) including widening to add a westbound left turn lane and an eastbound right turn lane, satisfactory to the City Engineer.

58. Prior to the issuance of the first building permit, Owner/Permittee shall assure by permit and bond the modification of the traffic signal at El Camino Real/Del Mar Highlands Town Center driveway to provide a fourth approach, satisfactory to the City Engineer.

59. Clustered mail boxes shall be located internal to the site and not in or adjacent to the public right-of-way. Access and/or parking requested by U.S. Postal Service shall be fully accommodated on-site (in addition to the minimum required parking).

60. **Mitigation Measure 5.2-1:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure reconfiguration of the median on Del Mar Heights Road bridge to extend the EB to NB dual left-turn pocket to 400 feet to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the median reconfiguration shall be completed and accepted by the City Engineer or Caltrans.

61. **Mitigation Measure 5.2-1.1:** Prior to issuance of the first building permit for Phase 1, the project applicant shall contribute to Caltrans \$1,192,500 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge to the satisfaction of the City Engineer as the applicant's fair share contribution to the improvements. The project applicant has voluntarily agreed to pay Caltrans an additional \$307,500 at that time, an amount in excess of its

fair share contribution, for a total payment of \$1,500,000. The amount paid in excess of the applicant's fair share contribution is included as a project feature.

62. **Mitigation Measure 5.2-2:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure the widening of the segment to extend the WB right-turn pocket at the Del Mar Heights Road/I-5 NB ramps by 845 feet and the modification of the raised median to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the widening shall be completed and accepted by the City Engineer and Caltrans.

63. **Mitigation Measure 5.2-3:** Prior to issuance of the first building permit for Phase 1, the project applicant shall make a fair-share contribution (4.9 percent) towards the widening of El Camino Real from Via de la Valle to San Dieguito Road to a four-lane Major to the satisfaction of the City Engineer.

64. **Mitigation Measure 5.2-4:** Prior to issuance of the first building permit for Phase 1, the project applicant shall make a fair-share contribution (19.4 percent) towards the widening of Via de la Valle from San Andres Drive to El Camino Real (West) to a four-lane Major to the satisfaction of the City Engineer.

65. **Mitigation Measure 5.2-5:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond installation of a traffic signal at the Carmel Creek Road/Del Mar Trail intersection, to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy in Phase 1, the traffic signal shall be completed and accepted by the City Engineer.

66. **Mitigation Measure 5.2-6:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of a dedicated NB right-turn lane at the Del Mar Heights Road and High Bluff Drive intersection to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy for Phase 1, the dedicated NB right-turn lane shall be completed and accepted by the City Engineer.

67. **Mitigation Measure 5.2-7:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of the following improvements at the Del Mar Heights Road/High Bluff Drive intersection to the satisfaction of the City Engineer: (1) widen Del Mar Heights Road on the north side receiving lanes and re-stripe the NB left and re-phase the signal to provide NB triple left-turn lanes; and (2) modify the EB and WB left-turn lanes to dual left-turn lanes and widen the EB approach by 2 feet on the south side to accommodate the EB and WB dual left-turn lanes. Prior to issuance of the first certificate of occupancy in Phase 1, all improvements in this mitigation measure shall be completed and accepted by the City Engineer.

68. **Mitigation Measure 5.2-8:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of a 365-foot long EB right-turn lane at the Del Mar Heights Road/ El Camino Real intersection, to the satisfaction of the City

Engineer. Prior to issuance of the first certificate of occupancy in Phase 1, the 365-foot long EB right-turn lane shall be completed and accepted by the City Engineer.

69. **Mitigation Measure 5.2-9:** Prior to issuance of the first building permit for Phase 3, the project applicant shall make a fair-share contribution (3.5 percent) towards the widening and re-striping of the EB approach to provide one left, one shared through/left-turn, one through, and two right-turn lanes at the El Camino Real/SR 56 EB on-ramp intersection to the satisfaction of the City Engineer.

70. **Mitigation Measure 5.2-10:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure construction of the following improvements at the Del Mar Heights Road/I-5 NB ramps to the satisfaction of the City Engineer and Caltrans (1) widen/re-stripe the I-5 NB off-ramp to include dual left, one shared through/right, and one right-turn lane; (2) extend the WB right-turn pocket by 845 feet and modify the raised median; and (3) reconfigure the median on the Del Mar Heights Road bridge to extend the EB dual left-turn pocket to 400 feet. Prior to issuance of the first certificate of occupancy in Phase 1, all improvements in this mitigation measure shall be completed and accepted by the City Engineer and Caltrans.

71. **Mitigation Measure 5.2-11:** Prior to issuance of the first building permit for Phase 3, the project applicant shall make a fair-share contribution (34.8 percent) towards adding an HOV lane to the I-5 SB loop on-ramp to the satisfaction of the City Engineer.

72. **Mitigation Measure 5.2-12:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure the widening and re-striping of the I-5 NB on-ramp to add an HOV lane to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the NB on ramp additional HOV lane shall be completed and accepted by the City Engineer or Caltrans.

73. **Mitigation Measure 5.2-13:** The VTM shall require that project construction be phased such that concurrent construction of Phases 1, 2, and 3 shall be prohibited, although phases may overlap.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

74. The Owner is required to incorporate/utilize advanced conservation measures and shall achieve a minimum of 5% water use reduction for commercial uses and 7.5% for residential uses, satisfactory to the Public Utilities Director.

75. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond the design and construction all public water facilities as required in the accepted water study for this project in a manner satisfactory to the Public Utilities Director and the City Engineer. Water facilities, as shown on the approved Exhibit "A", may require modification based on the accepted water study and final engineering.

76. 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 and the City Engineer.

77. 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.

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

79. 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 February 23, 2015 and Resolution No. R-309507 .

FEB 23 2015

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<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"/>
Chris Cate	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FEB 23 2015

Date of final passage \_\_\_\_\_

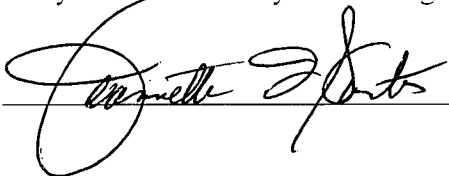
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- <u>309507</u>