

RESOLUTION NUMBER R- 311579

DATE OF FINAL PASSAGE MAR 05 2018

ITEM #202D
3/5/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 1000051 FOR CARROLL CANYON MIXED USE – PROJECT NO. 240716.

WHEREAS, Horizon Christian Fellowship, Owner/Sudberry Development Inc., Permittee, filed an application with the City of San Diego for Planned Development Permit No. 1000051 to demolish the structures on site and construct a development consisting of up to 260 multi-family residential units and approximately 10,700 square feet of commercial retail space, known as the Carroll Canyon Mixed Use project, located at 9850 Carroll Canyon Road within the Scripps Miramar Ranch Community Plan area and legally described as: Parcel A: Parcel 1 of Parcel Map No. 4337, in the City of San Diego, County of San Diego, State of California, according to map thereof in Book of Parcel Maps filed in the Office of the County Recorder of San Diego County Recorder of San Diego County, being a division of Lots 1, 2 and 7 of Scripps Miramar Ranch Business Park, according to Map thereof No. 7960 filed in the Office of the County Recorder of San Diego County. Excepting therefrom that portion described as follows: Beginning at the Southwest corner of said parcel 1; Thence along the westerly boundary of said parcel 1 North 00°20'34" East, 23.45 feet; thence leaving said westerly boundary South 64°37'34" East, 55.39 feet, to the southerly boundary of said parcel 1; thence along said southerly boundary, North 89°40'28" West, 50.19 feet to the point of beginning, and Parcel B: A strip of land 15.00 feet wide over and across a portion of Section 5, Township 15 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, said strip of land contained within land described in deed to the state of California recorded August 8, 1973 as File No. 73-220186 of Official Records, said 15.00 feet strip of land described as follows: Commencing at the

northwest corner of said deed, said corner also being on the north line of said section 5; thence along the north boundary of said South 89°38'07" East, 7.75 feet to the true point of beginning; thence along the following numbered courses: (1) continuing along said north boundary South 89°38'07" East, 15.00 feet to the northeast corner of said deed, (2) along the east boundary of said deed, also being the west boundary of Parcel 1 of Parcel Map No. 4337 recorded December 29, 1975 as File No. 75-367111 of Official Records, South 00°20'34" West, 636.67 feet to a point distant 23.45 feet along said west boundary from the southwest corner of said Parcel Map, (3) thence leaving said boundary North 64°37'34" West, 16.55 feet, (4) along a line that is parallel and 15.00 feet westerly at right angles to said boundary, North 00°20'34" East, 629.68 feet to the true point of beginning, in the IP-2-1 zone, which is proposed to be rezoned to the RM-3-7 (Residential-Multiple Unit) and the CC-2-3 zone, in the Scripps Miramar Ranch Community Plan area; and

WHEREAS, on December 14, 2017 the Planning Commission of the City of San Diego considered Planned Development Permit (PDP) No. 1000051, and pursuant to Resolution No. 4916-PC voted to recommend approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on March 5, 2018, 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 (PDP) No. 1000051:

PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0604

Findings for all Planned Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The project is located in the Scripps Miramar Ranch Community Plan area. The Community Plan identifies the project site for Industrial Park uses. The project proposes to change the designation of the project site from Industrial Park to Residential (15-29 du/net ac) and Community Shopping. The Scripps Miramar Ranch Community Plan does not contain any goals, objectives, or proposals to preserve industrial lands within the community.

The Scripps Miramar Ranch Community Plan addresses the need to provide for a balanced mix of housing varieties. The project would create additional multi-family housing, adding to the housing variety in the community, and add community shopping located in close proximity to employment uses and in an area with few housing development opportunities. Another Community Plan goal is to provide sufficient commercial area to meet the present and future needs of the community. The project would create additional community-serving commercial options and would provide for retail commercial services near residential uses and adjacent business parks, eliminating some vehicular trips and potentially reducing vehicle miles travelled outside the community for these services. The project also provides for an improved gateway for the southern portion of Scripps Miramar Ranch as the proposed buildings will better address the Carroll Canyon Road than the existing buildings. The pedestrian experience will be enhanced by the provision of new sidewalks and identified street crossings, resulting in an activated presence at this high-profile community entry. Additionally, the project adheres to the objectives throughout the Community Plan that encourage high design standards for residential and commercial projects.

The Scripps Miramar Ranch Community Plan recommends preserving eucalyptus trees as an element for historical continuity and overall community design. The Design Element of the Community Plan states that all forested areas be defined on tentative maps and other development plans and asks for eucalyptus tree removal justification for trees with a diameter exceeding eight inches. In addition, the Community Plan's Commercial Element encourages eucalyptus trees in commercial area landscaping, recommends that landscaping in new developments emphasize the use of eucalyptus species, and that a variety of eucalyptus species should be used in landscaping. The project's Inventory of Eucalyptus Trees documents forested areas of eucalyptus, as well as the number of individual eucalyptus trees located throughout the development area. This inventory shows the project would remove 92 trees within the two forested areas of the project site and all of the individual trees located within the developed portions of the site. Some eucalyptus trees within the forested areas need removal due to disease or other factors. However, the project would preserve 16 existing eucalyptus trees within the site's forested areas and would plant 18 new eucalyptus trees in three species as shown in the project's Landscape Concept Plan. By incorporating existing and new eucalyptus trees as a

feature of the project's landscape plan, the project is consistent with the Community Plan's goal of preserving the heritage of the community. Planting a variety of new, pedestrian-friendly eucalyptus species on the project site conforms with Community Plan recommendations, enhances the landscape elements of the project, continues the community's historical continuity and creates eucalyptus tree areas that add to the overall community design. As the project is designed to be consistent with the Scripps Miramar Ranch Community Plan as described above, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project site promotes public welfare by providing an in-fill mixed-use project near public transit and near other public services and facilities. Additionally, the project site is within walking distance of nearby business parks, offices, light industrial developments, and restaurants. As the project design complies with the City of San Diego Land Development Code and other regional, state, and federal regulations it will prevent detrimental impacts to the health, safety, and welfare site users and the general public. These requirements ensure that streets and sidewalks are built consistent with City standards, and that grading and drainage provide for storm water control and treatment. The project will ensure safe construction activities and will provide appropriate lighting and landscaping for the project, enhancing public safety. Project construction will comply with the Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes, further ensuring public safety. Additionally, the project would utilize reclaimed water for irrigating landscaped areas, enhancing public welfare by reducing water usage in the community. As the project will provide an in-fill, mixed-use development adhering to Land Development Regulations, provide improved streets and sidewalks, adhere to storm water requirements, and reduce water usage, the proposed development will not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The proposed development complies with the regulations of the Land Development Code. Pursuant to Section 126.0602(b)(1), a Planned Development Permit is requested to allow for deviations to maximum wall heights, minimum street frontage, residential sign restrictions, minimum lot area, minimum lot width, setbacks, lot frontage, and maximum building height and to allow restaurant use within the RM-3-7 zone with limitations on size, location, and hours. The project's proposed deviations are listed and described in the table below:

	APPLICABLE REGULATION	PROPOSED DEVIATION	PURPOSE FOR DEVIATION																													
1	Maximum wall height: Six feet SDMC Section 142.0340	Proposed wall height: Eight feet (at the west edge of the property)	Provides additional sound attenuation.																													
2	Maximum wall height: Six feet SDMC Section 142.0340	Proposed wall height: Seven feet (at the east edge of the property)	Accommodates grade changes and level pad.																													
3	Maximum building height: 40 feet SDMC Table 131-04G	Proposed building height: 50 feet (in the RM-3-7 zoned portion of the property)	Accommodates proposed density of 29 dwelling units per acre.																													
4	Minimum street frontage: RM-3-7: 70 feet Minimum street frontage: CC-2-3: 100 feet SDMC Table 131-04G SDMC Table 131-05E	<p style="text-align: center;">Proposed Deviations from Minimum Lot Frontage</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> <th colspan="2">CC-2-3</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>34 ft.</td> </tr> <tr> <td>3</td> <td>70 ft.</td> <td>0 ft.</td> <td>N/A</td> <td>--</td> </tr> <tr> <td>5</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>29 ft.</td> </tr> <tr> <td>6</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>32 ft.</td> </tr> </tbody> </table>	Lot No.	RM-3-7		CC-2-3		Required	Proposed Deviation	Required	Proposed Deviation	1	N/A	--	100 ft.	34 ft.	3	70 ft.	0 ft.	N/A	--	5	N/A	--	100 ft.	29 ft.	6	N/A	--	100 ft.	32 ft.	Accommodates the proposed mixed-use development and an interior lot configuration.
Lot No.	RM-3-7			CC-2-3																												
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5	N/A	--	100 ft.	29 ft.																												
6	N/A	--	100 ft.	32 ft.																												
5	Minimum setback: 57.5 feet SDMC Table 131-04G	Proposed setback: 46 feet, ten inches (west property line) 50 feet eight inches and 51 feet, six inches (east property line)	Allows for efficient use of the property.																													
6	Maximum wall height: Six feet SDMC Section 142.0340	Proposed wall height: Eight feet (solid trash enclosure walls)	To provide better screening and additional security.																													
7	Residential signs for property identification, yard sale, and real estate (Commercial signs in the RM-3-7 zone not addressed by the City's Sign Regulations)	Proposed signs/area: Signage for commercial uses in the RM-3-7 zone, which is not addressed in the residential sign regulations, to allow up to 1.5 square feet of sign area per linear foot of commercial leased premises on the ground floor of Building 4 and Building 6.	Allows commercial signage to serve the proposed commercial retail/restaurant uses.																													

	APPLICABLE REGULATION	PROPOSED DEVIATION	PURPOSE FOR DEVIATION																													
8	<p><i>Minimum lot area, RM-3-7: 7,000 square feet.</i> <i>Minimum lot area, CC-2-3: 5,000 square feet.</i> SDMC Table 131-04G SDMC Table 131-05E</p>	<p>Proposed Deviations from Minimum Lot Area</p> <table border="1"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> <th colspan="2">CC-2-3</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td rowspan="3">7,000 sq. ft.</td> <td>--</td> <td rowspan="3">5,000 sq. ft.</td> <td>3,000 sq. ft.</td> </tr> <tr> <td>5</td> <td>--</td> <td>4,200 sq. ft.</td> </tr> <tr> <td>6</td> <td>5,800 sq. ft.</td> <td>4,500 sq. ft.</td> </tr> </tbody> </table>	Lot No.	RM-3-7		CC-2-3		Required	Proposed Deviation	Required	Proposed Deviation	1	7,000 sq. ft.	--	5,000 sq. ft.	3,000 sq. ft.	5	--	4,200 sq. ft.	6	5,800 sq. ft.	4,500 sq. ft.	To provide public street frontage and meet lot area requirements for integration of residential and commercial uses.									
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9	<p><i>Minimum lot width, RM-3-7: 70 feet.</i> <i>Minimum lot width, CC-2-3: 100 feet.</i> SDMC Table 131-04G SDMC Table 131-05E</p>	<p><i>Proposed lot width for panhandle portions of lots:</i> 34 feet (Lot 1) 29 feet (Lot 5) 32 feet (Lot 6) (Lots 1, 5, and 6 straddle the RM-3-7 and CC-2-3 zones)</p>	To accommodate panhandle lots.																													
10	<p><i>Minimum lot frontage, RM-3-7: 70 feet.</i> <i>Minimum lot width, CC-2-3: 100 feet.</i> SDMC Table 131-04G SDMC Table 131-05E</p>	<p>Lots 1, 5, and 6 have narrow lot frontages on Carroll Canyon Road (within the CC-2-3 zone), and Lot 3 (within the RM-3-7 zone) has no lot frontage on Carroll Canyon Road. Proposed deviations:</p> <p>Proposed Deviations from Minimum Lot Frontage</p> <table border="1"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> <th colspan="2">CC-2-3</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>34 ft.</td> </tr> <tr> <td>3</td> <td>70 ft.</td> <td>0 ft.</td> <td>N/A</td> <td>--</td> </tr> <tr> <td>5</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>29 ft.</td> </tr> <tr> <td>6</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>32 ft.</td> </tr> </tbody> </table>	Lot No.	RM-3-7		CC-2-3		Required	Proposed Deviation	Required	Proposed Deviation	1	N/A	--	100 ft.	34 ft.	3	70 ft.	0 ft.	N/A	--	5	N/A	--	100 ft.	29 ft.	6	N/A	--	100 ft.	32 ft.	To accommodate the mixed-use development.
Lot No.	RM-3-7			CC-2-3																												
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11	<p>Restaurants are not permitted in the RM-3-7 Zone. SDMC Section 131.0431(b).</p>	<p>Project proposes a restaurant in the RM-3-7 portion of the project site.</p>	The deviation would allow a restaurant serving residents and patrons of the residential/mixed use project.																													

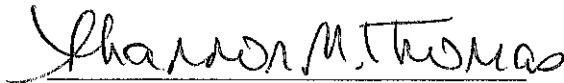
Deviations are proposed to ensure that noise levels do not exceed City standards (Deviation 1), for construction of retaining walls to accommodate site grading (Deviation 2), to allow for lot configuration and street frontage (Deviations 4, 5, 9 and 10), to respond to the design needs of the project (Deviations 3, 6, and 7), and to allow for the integration of residential and commercial uses (Deviation 8). The provision of a restaurant in the residential zone (Deviation 11) will allow a restaurant serving residents and patrons of the residential/mixed use

project. These deviations are necessary to allow for development of the project site in a manner that is consistent with the Scripps Miramar Ranch Community Plan, that meets the regulations of the City's Land Development Code, and results in a better project. Therefore, the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1000051 is granted to Horizon Christian Fellowship, Owner/Sudberry Development Inc., Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
02/12/2018
Or.Dept:DSD
Doc. No.: 1681512

Attachment: Planned Development Permit No. 1000051

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

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

INTERNAL ORDER NUMBER: 24001819 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 1000051
CARROLL CANYON MIXED USE - PROJECT NO. 240716
CITY COUNCIL**

This Planned Development Permit No. 1000051 is granted by the City Council of the City of San Diego to Horizon Christian Fellowship, Owner/Sudberry Development Inc., Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0604. The 9.52-gross-acre (9.28-net-acre) site is located at 9850 Carroll Canyon Road in the IP-2-1 zone, which is proposed to be rezoned to the RM-3-7 (Residential-Multiple Unit) and the CC-2-3 zones of the Scripps Miramar Ranch Community Plan area. The project site is legally described as: Parcel A: Parcel 1 of Parcel Map No. 4337, in the City of San Diego, County of San Diego, State of California, according to map thereof in Book of Parcel Maps filed in the Office of the County Recorder of San Diego County Recorder of San Diego County, being a division of Lots 1, 2 and 7 of Scripps Miramar Ranch Business Park, according to Map thereof No. 7960 filed in the Office of the County Recorder of San Diego County. Excepting therefrom that portion described as follows: Beginning at the Southwest corner of said parcel 1; Thence along the westerly boundary of said parcel 1 North 00°20'34" East, 23.45 feet; thence leaving said westerly boundary South 64°37'34" East, 55.39 feet, to the southerly boundary of said parcel 1; thence along said southerly boundary, North 89°40'28" West, 50.19 feet to the point of beginning, and Parcel B: A strip of land 15.00 feet wide over and across a portion of Section 5, Township 15 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, said strip of land contained within land described in deed to the state of California recorded August 8, 1973 as File No. 73-220186 of Official Records, said 15.00 feet strip of land described as follows: Commencing at the northwest corner of said deed, said corner also being on the north-line of said section 5; thence along the north boundary of said South 89°38'07" East, 7.75 feet to the true point of beginning; thence along the following numbered courses: (1) continuing along said north boundary South 89°38'07" East, 15.00 feet to the northeast corner of said deed, (2) along the east boundary of said deed, also being the west boundary of Parcel 1 of Parcel Map No. 4337 recorded December 29, 1975 as File No. 75-367111 of Official Records, South 00°20'34" West, 636.67 feet to a point distant 23.45 feet along said west boundary from the southwest corner of said Parcel Map, (3) thence leaving said boundary North 64°37'34" West, 16.55 feet, (4) along a line that is parallel and 15.00 feet westerly at right angles to said boundary, North 00°20'34" East, 629.68 feet to the true point of beginning.

Subject to the terms and conditions set forth in this Permit, permission is granted to Horizon Christian Fellowship, Owner/Sudberry Development Inc., Permittee to demolish the structures on site and construct a development consisting of 260 multi-family residential units and 10,700 square feet of commercial retail space described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAR 05 2018 2018 on file in the Development Services Department.

The project shall include:

- a. Demolish existing structures on site and construct 260 multi-family residential units and 10,700 square feet of commercial retail space;
- b. Deviations for over-height walls, building height, street frontage, setbacks, signage, minimum lot area, minimum lot width, minimum lot frontage and a restaurant in the residential RM-3-7 zone with limitations on restaurant size, location and hours of operation.
- 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 MAR 05 2021.

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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 240716 (SCH No. 2015081031), shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 240716 (SCH No. 2015081031), to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: **Transportation/Traffic, Noise, Biological Resources, and Paleontological Resources.**

14. The Owner/Permittee shall ensure that an acoustical analysis is performed prior to occupancy of any residential units to ensure the interior noise level do not exceed the City's 50 Dba CNEL standard.

15. Prior to the issuance of any construction permit, including but not limited to demolition, grading, building or any other construction permit, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the all the requirements of the Refuse & Recyclable Materials Storage Regulations and all of the requirements of the waste management plan (KLR Planning, December 2015) are shown and noted on the appropriate construction documents. All requirements, notes and graphics shall be in substantial conformance with the conditions and exhibits of the associated discretionary approval.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and list the "sustainable features chart" in the final construction drawings.

SITE DESIGN

- At least one principal participant of the project team is a LEED Accredited Professional.
- Located within ¼-mile of one or more transit stops.

- Provide secure bicycle racks and/or storage.
- Use of materials with recycled content.
- A minimum of 10% (based on cost) of the total materials value will derive from materials or products that have extracted, harvested, or recovered, as well as manufactured, within 500 miles of the project site.
- A minimum of 50% of wood-based materials and products to be certified in accordance with the Forest Stewardship Council's (FSC) Principles and Criteria for wood building components.

GRADING and CONSTRUCTION

- Create and implement an erosion and sediment control plan for all construction.
- Recycle and salvage at least 50% of non-hazardous construction debris.
- Meet or exceed the recommended Control Measures of the Sheet Metal and Air Conditioning National Contractors Association (SMACNA) IAQ Guidelines for Occupied Buildings under Construction, 1995, Chapter 3.
- Protect stored on-site or installed absorptive materials from moisture damage.
- Adhesives, sealants, and sealant primers will comply with SCAQMD.
- Aerosol adhesives will comply with Green Seal Standard for commercial Adhesives.
- Paints and coatings uses on the interior of the building will comply with the Green Seal Standard and SCAQMD.
- Composite wood and agrifiber products will contain no added urea-formaldehyde resins.
- Laminated adhesives used to fabricate on-site and shop-applied composite wood and agrifiber assemblies will contain no added urea-formaldehyde resins.
- Individual lighting controls will be provided for a minimum of 90% of building occupants.
- Lighting system controllability will be provided for all shared multi-occupant spaces to enable lighting adjustment that meets group needs and preferences.
- The design of HVAC systems and building envelope will meet the requirements of ASHRAE Standard 55-2004, Thermal Comfort Conditions for Human Occupancy.

PARKING

- Provide electrical plugs in parking garage for electric/electric hybrid vehicles.
- Provide vegetated open space within the project boundary to exceed requirements by 25%.
- Place a minimum of 50% of parking spaces under cover.

EXTERIOR LIGHTING

- Design exterior lighting so that all site and building mounted luminaries produce a maximum initial luminance value no greater than 0.20 horizontal and vertical foot-candles at the site boundary and no greater than 0.01 horizontal foot-candles 15 feet beyond the site.

BUILDING DESIGN FEATURES

- Use water-conserving fixtures.
- Use 20% less water than the water use baseline calculated for the building.
- Buildings designed to comply with Title 24 requirements.
- Zero use of CFC-based refrigerants.
- Select refrigerants and HVAC&R that minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming.
- Does not use fire suppression systems that contain ozone-depleting substances (CFCs, HCFCs, or Halons).

SOLID WASTE MANAGEMENT/RECYCLING

- Provide easily accessible areas to serve buildings that are dedicated to the collection and storage of non-hazardous materials for recycling.
- Recycle a minimum of 75 percent of construction materials.
- Separate construction debris into material-specific containers to facilitate reuse and recycling and to increase the efficiency of waste reclamation.
- Strive for a recycled content target of five percent of construction materials.

LANDSCAPE

Irrigation

- State of the art equipment that distributes water in controlled amounts and at controlled times to maximize water efficiency and optimize plant growth.
- Water distribution electronically controlled through a computer system that uses historical data and real time weather conditions.
- Irrigation systems control to allow water to be distributed to plant material with similar watering needs to avoid over/underwatering.
- Use of weather and rain sensors to monitor current conditions and control the system accordingly.
- Utilization of reclaimed water (when available) for irrigation minimizing the need for potable water in the landscape.

Planting

- Grouping of plant material based on the water demands for the specific plant material while still achieving the overall design intent.
- Selection of plant material its adaptability to the region and climate.
- Careful and selective use of enhanced planting (lusher material and seasonal color requiring more water and maintenance) where they have the most impact on the user.
- Use of native or low water/low maintenance material in outlying areas away from the general user.
- Limited use of turf. Where use, selection of turf varieties for their durability, maintenance needs and low water consumption.
- Use of trees throughout the project to provide shading to users and reduce heat gains on buildings and the heat island effect throughout the site.
- Selection of mix of deciduous trees to allow shade in the summer and sun penetration in

the cooler winter months.

Materials

- Use of recycled materials, where appropriate.
- Use of precast concrete pavers, decomposed granite and post consumer products.
- All planting areas include a 2" layer of a recycled organic mulch to maintain soil moisture, soil temperature and reduce weeding.
- Selection of lighter colored hardscape materials to reduce the heat island effect.

CLIMATE ACTION PLAN REQUIREMENTS:

17. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to receiving the first residential building permit the Owner/Permittee shall comply with the provisions of the Inclusionary Affordable Housing Regulations in Chapter 14, Article 2, Division 13 of the San Diego Municipal Code by making payment to the City of San Diego for the full Inclusionary Affordable Housing Fee set forth in the Inclusionary Affordable Housing Regulations.

AIRPORT REQUIREMENTS:

19. Prior to the issuance of any building permits, the Owner/Permittee shall record an overflight notification with the County Recorder on each property containing a residential unit or other method as approved by the Airport Land Use Commission.

20. The residences shall be noise attenuated to 45 dB CNEL interior noise level.

ENGINEERING REQUIREMENTS:

21. The Planned Development Permit shall comply with the conditions of the Vesting Tentative Map No. 979190.

22. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a City standard driveway, on Carroll Canyon Road, per Standard Drawings SDG-163 and SDG-164, satisfactory to the City Engineer.

23. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of City standard non-contiguous sidewalk, along the project frontage on Carroll Canyon Road, satisfactory to the City Engineer.

24. Prior to the issuance of any building permit, the Owner/Permittee shall construct a curb ramp with truncated domes, on both sides of the project entrance on Carroll Canyon Road, satisfactory to the City Engineer.
25. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the curb outlet located within Carroll Canyon Road right-of-way.
26. 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.
27. 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.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.
29. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

LANDSCAPE REQUIREMENTS:

30. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted 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.
31. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
32. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted 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 Office of 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).

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

34. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

35. 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.

36. 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.

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

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

38. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan on file in the Office of the Development Services Department.

39. The Brush Management Program shall be based on a standard Zone One of 35 feet and Zone Two of 65 feet, exercising the Zone Two reduction option and Alternative Compliance measures set forth under sections 142.0412(f), 142.0412(i), and 142.0412 (j) of the Land Development Code. Zone One widths shall range from 32 feet to 50 feet, extending out from the habitable structures towards the native/naturalized vegetation as shown on Exhibit "A." Zone Two shall extend from the outer boundary of Zone One to the rear property line, ranging in width from 10 feet to 65 feet. Where the full brush management zones cannot be provided, openings along the brush side of the habitable structures plus a 10-foot perpendicular return along adjacent wall faces shall be upgraded to Dual-glazed, Dual-tempered panes as alternative compliance for the reduced brush management zones.

40. Prior to issuance of any Engineering Permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."
41. Prior to issuance of any Building Permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.
42. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to Fire Marshal's approval.
43. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Brush Management Program shall be implemented.
44. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

45. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.
46. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
47. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

48. Prior to the issuance of the first building permit, the owner/permittee shall record reciprocal access easements in favor of all parcels within the project site, to the satisfaction of the City Engineer.
49. Prior to the issuance of the first building permit, the owner/permittee shall record a sight easement on the parcel located immediately east of the project site (APN 363-360-44) for the

northeast corner of the Carroll Canyon Road/Project Entry signalized intersection within the sight distance triangles as shown on sheet C1.7, to the satisfaction of the City Engineer.

50. The owner/permittee shall maintain landscaping to allow for a visibility space between three (3) feet and eight (8) feet, including street tree branches, within the sight distance triangles as shown on sheet C1.7, to the satisfaction of the City Engineer.

51. Prior to the issuance of any construction permit, the owner/permittee shall acknowledge the requirement to offer a shared access easement in favor of the parcel located immediately east of the project site (APN 363-360-44), subject to mutually acceptable limitation of competing retail/restaurant uses, cost sharing reimbursement and ongoing maintenance agreement, to the satisfaction of the City Engineer.

52. Each mechanical automobile lift shall be fully enclosed in a structure to the satisfaction of the City Engineer.

53. No fewer than 35 unassigned automobile parking spaces, which are located behind a gate, shall have access to and be made available at all times to the retail businesses employees, to the satisfaction of the City Engineer. A shared parking agreement between the residential and retail components that would provide for residential parking overnight in the non-gated area and retail employee parking during the day in the gated areas during peak demands. The retail employees would be provide access to (by fob or equivalent) and be required to use the gated parking areas that would be enforced through on-site property management. Additionally, retail tenants require opens parking in front of their establishments to provide easy access for patrons; therefore, the retail tenants would also enforce employees' use of the gated parking areas.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

54. All on-site water and sewer mains will be "private."

55. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

56. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

57. The Owner/Permittee shall design and install all necessary irrigation appurtenances to utilize recycled water. The Owner/Permittee shall install all necessary piping to connect to recycled water system. The system shall be designed to avoid any cross connections between the two systems. This will necessitate a separate irrigation service.

58. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two (2) fire hydrants or thirty

(30) dwelling units are located on a dead-end water main then the Owner/Permittee shall install a redundant water system, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

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

60. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

61. Prior to issuance of any engineering permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for connecting private 8-inch lateral to the public sewer main.

62. Prior to the issuance of any building permits, the Owner/Permittee shall obtain permit from the County of San Diego Department of Environmental Health and City of San Diego Public Utilities Department for connecting onsite irrigation system to the recycled irrigation meter. All irrigation systems must be designed to utilize recycled water. This will necessitate a separate irrigation service.

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

GEOLOGY REQUIREMENTS:

64. Prior to the issuance of any construction permits (either grading or building permits), the Owner/Permittee shall submit an addendum geotechnical investigation report that specifically addresses the proposed construction plans. The addendum geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services.

65. Prior to the issuance of any construction permits (either grading or building permits), the Owner/Permittee shall submit an addendum geotechnical investigation report that addresses the elements of Appendix C, Section C.4 of the Storm Water Standards, provides full-scale infiltration test results and design recommendations for each proposed dry well, as well as an updated and fully completed Worksheet C.4-1. The addendum geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services.

66. 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 Development Services prior to exoneration of the bond and grading permit close-out.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on MAR 05 2018, and
Resolution Number 311579.

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.**

Horizon Christian Fellowship
Owner

By _____
NAME
TITLE

Sudberry Development Inc.
Permittee

By _____
NAME
TITLE

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

Passed by the Council of The City of San Diego on MAR 05 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input checked="" 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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 05 2018.

(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 *Aty Mead*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311579