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05/25/21

(R-2021-452)

RESOLUTION NUMBER R- 313561

DATE OF FINAL PASSAGE MAY 25 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING PLANNED DEVELOPMENT
PERMIT NO. 2514016, SITE DEVELOPMENT PERMIT NO.
2392192 AND NEIGHBORHOOD DEVELOPMENT PERMIT
NO. 2511520 – HOME DEPOT MISSION VALLEY – PROJECT
NO. 657591 [MMRP].

WHEREAS, Scottish Rite Center of San Diego, Inc., Owner/Permittee and Home Depot, Inc., Permittee filed an application with the City of San Diego for a Planned Development Permit, Site Development Permit, and Neighborhood Development Permit to demolish two existing buildings and construct two new building plus parking garage and surface parking located on the south side of Camino del Rio South at 1561, 1545, and 1895 Camino del Rio South, in the Regional Commercial and Office and Visitor Commercial land use designation and (CR)-2-1 (Commercial – Regional) Zone within the Mission Valley Community Plan area. The project site is legally described as: Parcel A: Lot 1 of Bowlero, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3546 filed in the Office of the County Recorder of San Diego County, November 16, 1958. Excepting therefrom that portion lying within Lot 1 of Temple Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6327, filed in the Office of the County Recorder of San Diego County, April 2, 1969. Parcel B: Lot 1 of Temple Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6327, filed in the office of the County Recorder of San Diego County, April 2, 1969; and

WHEREAS, on February 25, 2021, the Planning Commission of the City of San Diego considered Planned Development Permit No. 2514016 (PDP), Site Development Permit

No. 2392192 (SDP), and Neighborhood Development Permit No. 2511520 (NDP), and pursuant to Resolution No. 5130-PC voted to recommend approval of the Permits; 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 05/25/2021, 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, that it adopts the following findings with respect to Planned Development Permit No. 2514016, Site Development Permit No. 2392192, and Neighborhood Development Permit No. 2511520:

A. PLANNED DEVELOPMENT PERMIT [San Diego Municipal Code section 126.0605]

1. 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 Mission Valley Community Plan (MVCP) area. The Mission Valley Community Plan Update (MVCPU), approved in 2019, designated the Project site's land use as Regional Office and Visitor Commercial and rezoned the property to CR-2-1. This land use is the combination of two land uses from the plan: "Regional Commercial" and "Office and Visitor Commercial," and is illustrated in the plan with a striped overlay, including both representative colors of the individual land uses. This combined designation allows for all of the uses in both of those land uses, including, but not limited to: malls, big box stores, car dealerships, some hotels, offices, lifestyle centers, strip commercial, professional hub, and urban office/flex office/campus office. The MVCP also prohibits residential uses on this site, due to the lack of transit serving

the site. The Project proposes to construct a Home Depot (approximately 106,688 square feet of building, including approximately 17,916 square feet of garden center space and a parking garage) and a new, 40,000-square-foot Scottish Rite Center, with surface parking lot for both buildings, and accessory improvements including lighting, landscaping, and hardscape, consistent with the land use designation for the site.

The Home Depot is considered a big box store, which is consistent with the land use designation of this site per the MVCP. The Scottish Rite Center is a fraternal organization, which is defined by the Municipal Code section 141.0617 as “an association for the promotion of some common social, cultural, educational, religious, or recreational objective...[but] does not include churches or any group whose primary objective is a business customarily carried on for a profit”. The uses of the SRC include offices, a theatre area, library, administrative areas, and exam rooms to better operate the philanthropic efforts of their Children’s Language Center. This type of use is prohibited in Prime Industrial Lands and with floodplains located in the Coastal Overlay Zones, neither of which apply to the project site, and is allowed in commercial zones, including the CR-1-2 zone.

The MVCPU notes that this area of Mission Valley “...will have a continued emphasis on office, automobile, and hotel uses. Yet, this area will be enhanced through higher quality building materials, greater connectivity, enhanced bicycle and pedestrian friendliness, green spaces and plazas, new trail connections, and restoration of the landscape. Public art will be encouraged as a tool to support a greater sense of place and trails, bike lanes, and potentially an aerial tram would be encouraged to connect to neighborhoods on the mesa” (p. 23, Figure 3). In addition, the MVCPU identifies approximately 70 design guidelines for projects to utilize, addressing general design, site planning, parking, and others. The Project incorporates a number of these policies of the MVCPU such as minimizing the bulk of the building with highly articulated façades. The Project articulates all sides of the building visible from the public right-of-way. The project demonstrates creative and innovative design ideas that incorporate Google elements from the existing Scottish Rite building into the design of the new Home Depot building, as well as solar energy panels on the parking roof deck to reinforce the Project’s commitment to sustainability and climate change. The Project screens the bulk of the surface parking. The Project moves the building out toward the street and incorporates an urban landscape pedestrian parkway and access to the buildings from the street. The Project is freeway oriented, but also provides an open public view corridor between the Home Depot and Scottish Rite buildings. The Project improves Camino del Rio South from a 2-lane collector to a 2-lane Collector with left turn lane as called for in the MVCPU along its frontage and adds buffers to the bike lanes in order to promote active transportation. Thus, the proposed development will not adversely affect the applicable land use.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The Project will not be detrimental to the public health, safety, and welfare because the permits controlling the development and use of the site require compliance with City codes, policies, regulations and other regional, state and federal regulations. Construction plans will be reviewed by City Staff to ensure compliance with all building code regulations. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this Project. The Project will be inspected by certified building and engineering inspectors to assure construction is in accordance with approved plans and regulations.

The Project is required to comply with seismic requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices (including recommendations contained with the Geotechnical Investigation) verified at the building permit stage would ensure that the potential for impacts from regional geologic hazards, including fault rupture would be less than significant.

The Project Addendum to the Programmatic Environmental Impact Report (PEIR) for the MVCPU identified that the project impacts have already been analyzed in the PEIR. As required by all California Environmental Quality Act (CEQA) impact analyses, Air Quality; Historical, Cultural and Tribal Cultural Resources; Hydrology and Water Quality; Noise; Public Services and Facilities; Public Utilities and Infrastructure; and Transportation (Traffic Circulation), were assessed. The PEIR identified, and the Addendum reinstates, that the project could result in significant impacts to historic (built) resources, paleontological resources, and noise (construction). Mitigation measures have been identified that are consistent with the MVCPU and will be implemented with the Project to avoid (historic, paleontological, and noise) impacts.

For the above cited reasons, the 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 Project will comply with the applicable regulations of the Land Development Code. Two deviations are proposed: one is to allow a deviation to an existing 50-foot setback that was established by Development Permit Map No. 3546 and Ordinance No. 8743,

approved in 1962; and the second deviation is to allow a 20% increase in the height of a small portion (less than 10%) of a retaining wall proposed behind the Home Depot, where Municipal Code section 142.0330 allows for 12-foot-tall retaining walls outside of required yards Please see finding C(1)(c) for that analysis related to the retaining wall.

The Municipal Code authorizes the use of a Planned Development Permit for projects requiring a deviation from a development regulation. The deviation would allow the project to be built in conformance with the CR-2-1 zone regulations that require a minimum front setback of 10 feet, and the project would also be in compliance with the supplemental development regulations that apply to Large Retail Establishments (Municipal Code section 143.0355), which establishes a minimum eight-foot front and sideyard setback requirement. Additionally, the recently amended MVCPU encourages locating buildings closer to the street in order to develop a more pedestrian friendly destination through design and uses. A 50-foot setback is not consistent with a more activated street frontage, with bike lanes, non-contiguous, and-landscaped sidewalks.

As contemplated by the MVCPU, the Project is developing a fourteen-foot urban parkway with a noncontiguous, landscape-buffered eight-foot wide sidewalk and buffered bike lanes. The building angles away from the setback line creating additional landscape setback along the street frontage. The result is an enhanced pedestrian experience between landscaped buffers.

The Project is designed in conformance with the development regulations of the current underlying zone, CR-2-1 which was applied to the site with the approval of the MVCPU. This will allow the Project to be compatible with future redevelopment projects in the area that must comply with the MVCPU, as well as existing adjacent development that is also built closer to the street.

Therefore, as the proposed development will comply with the regulations of the Land Development Code, the proposed deviation pursuant to Municipal Code section 126.0602(b)(1) will bring the Project into conformance with the underlying zone, supplemental development regulations, and MVCPU is 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 underlying map and ordinance.

B. SITE DEVELOPMENT PERMIT [Municipal Code section 126.0505]

1. FINDINGS FOR ALL SITE DEVELOPMENT PERMITS:

- a. The proposed development will not adversely affect the applicable land use plan.**

See above for Planned Development Permit Finding A.1.a.

- b. The proposed development will not be detrimental to the public health, safety, and welfare.**

See above for Planned Development Permit Finding A.1.b.

- c. 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 will comply with all applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. As described in the findings above for the Planned Development Permit and below for Neighborhood Development Permit, the Project proposed two deviations: one related to the 50-foot-setback, and the second for the height of a small portion of the proposed retaining wall behind the Home Depot to reduce the existing slope in a portion of the existing public storm drain easement from 1.5:1 to 2:1.

The Project complies with all the supplemental regulations for Large Retail Establishments including the setbacks, building articulation, pedestrian paths, and landscaping requirements. The Project is exempt from the Regulations for Environmentally Sensitive Lands since there is no disturbance of natural slopes (non-manufactured terrain) and no significant impact on sensitive biological resources. The Project site is located outside the Multi-Habitat Planning Area (MHPA). A Biology Study prepared for the Project site demonstrates that the Project will not disturb any significant Sensitive Biological Resources. The Project will not disturb the natural portion of the hillside located on the Project site. A portion of the manufactured slope, which is not subject to the City's environmentally sensitive lands regulations, will be further stabilized through the granting of the Neighborhood Development Permit deviation for retaining wall height. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

2. SUPPLEMENTAL FINDINGS

- a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands (ESL).**

The Project site contains developed lands in addition to the environmentally sensitive lands. No previously undisturbed areas will be impacted by the Project as proposed. The development is all within existing developed and previously disturbed lands. Therefore, the site is suitable for the Project as proposed and will have minimum disturbance to ESL.

- b. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The majority of the development will occur in a fully developed, relatively flat portion of the site. There will be work in previously disturbed slopes, including work related to drainage. A geotechnical report was prepared and accepted by

City staff that verifies all slopes are and will remain stable. In order to minimize impacts to natural landform, a retaining wall is proposed at the base of the slope. A portion of the slope related to the public storm drain easement will be set at 1.5:1 slope instead of a standard 2:1 slope, in order to minimize impacts to natural slopes, and as considered in the geotechnical reports.

- c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The site is located adjacent to ESL, however that ESL is located on hills that slope up from the Project site, limiting any off-site drainage impact to the ESL. The orientation of the site will be pulled towards the street frontage, away from the ESL which will also minimize any potential indirect adverse impacts. The proposed landscape will be required to comply with the City's Landscape Guidelines that would preclude invasive species from propagating in the adjacent ESL. Therefore, the Project will prevent adverse impacts to the adjacent ESL.

- d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).**

The Project as proposed is consistent with the MSCP and VPHCP. The site is adjacent to the MSCP, with the area of work approximately 150 feet north and downslope from the MHPA, except for some of the drainage work. In accordance with the MVCPU, the Project is required to comply with the MHPA Land Use Adjacency Guidelines, and the Project as proposed does that. There are no vernal pools on or adjacent to the Project site, therefore the Project is also consistent with the VPHCP.

- e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The Project site is located approximately 1500 feet south of the San Diego River and four miles east of Mission Bay. The Project is required to comply with all applicable storm water and drainage regulations; therefore, the development will not contribute to the erosion of beaches or adversely impact local shoreline sand supply.

- f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

Impacts to ESL total 0.06 acres of Coastal Sage Scrub, a Tier II habitat per the City's Biology Guidelines of the Land Development Code. The Biology Guidelines do not require mitigation for impacts under 0.1 acre, and no mitigation

is required for the direct impacts to ESL. Therefore, there is a reasonable relationship of mitigation to impacts of the proposed development.

C. NEIGHBORHOOD DEVELOPMENT PERMIT Municipal Code section 126.0404

1. Findings for all Neighborhood Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

See above for Planned Development Permit Finding A.1.a.

- b. The proposed development will not be detrimental to the public health, safety, and welfare.**

See above for Planned Development Permit Finding A.1.b.

- c. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The proposed development with the requested deviations complies with the regulations of the Land Development Code. The NDP is requested to allow a 20% increase in the height of a small portion (less than 10%) of a retaining wall proposed behind the Home Depot, where Municipal Code section 142.0330 allows for 12-foot-tall retaining walls outside of required yards. The 20% deviation to the maximum allowed 12-foot height for retaining walls is allowed with a NDP, pursuant to SDMC Section 142.0340(e). The additional wall height will allow for a slope ratio of 1.5:1 instead of 2:1, in an existing manufactured hillside area where a portion of an existing City of San Diego public storm drain easement exists.

The regrading of the manufactured slope will improve the stability safety factor to the City standard of 1.5 and will avoid grading and other impacts in areas of natural slopes containing ESL, as the higher wall can support the steeper slope. Consistent with SDMC section 142.0350, the height exception is justified because of the variations of the grade on the site. In addition, the wall is completely screened from public view by the proposed Home Depot building. Thus, the proposed Project is consistent with regulations, including allowable deviations 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, Planned Development Permit No. 2514016, Site Development Permit No. 2392192, and Neighborhood Development Permit No. 2511520, is

granted to Scottish Rite Center, Owner/Permittee, and Home Depot, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Exhibit A: Planned Development Permit/Site Development Permit/Neighborhood Development Permit

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc
05/06/2021
Or.Dept: DSD
CC No.: N/A
Doc. No.: 2655809

**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: 24008526 SPACE ABOVE THIS LINE FOR RECORDER'S
USE

PLANNED DEVELOPMENT PERMIT NO. 2514016, SITE DEVELOPMENT PERMIT NO.
2392192, AND
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2511520
HOME DEPOT MISSION VALLEY - PROJECT NO. 657591 MMRP
CITY COUNCIL

This Planned Development Permit No. 2514016, Site Development Permit No. 2392192, and Neighborhood Development Permit No. 2511520 is granted by the Council of the City of San Diego to Scottish Rite Cathedral of SD, Owner and Permittee, and Home Depot, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604, 126.0505 and 126.0404. The 13.5-acre site is located on the south side of Camino del Rio South at 1561, 1545, and 1895 Camino del Rio South, in the CR-2-1 (Commercial - Regional) Zone within the Mission Valley Community Plan area. The project site is legally described as: Parcel A: Lot 1 of Bowlero, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3546 filed in the Office of the County Recorder of San Diego County, November 16, 1958. Excepting therefrom that portion lying within Lot 1 of Temple Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6327, filed in the Office of the County Recorder of San Diego County, April 2, 1969. Parcel B: Lot 1 of Temple Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6327, filed in the office of the County Recorder of San Diego County, April 2, 1969.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish two existing commercial buildings and

construct two new buildings: a commercial building with a parking/garage, and a fraternal organization building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] May 25, 2021, on file in the Development Services Department.

The project shall include:

- a. Demolition of the approximately 63,822-square-foot Scottish Rite Center and an approximately 7,124-square-foot auto sales buildings;
- b. Construction of a new, approximately 40,000-square-foot, Scottish Rite Center building; an approximately 106,688-square-foot Home Depot, with approximately 17,916-square-foot garden center; and an approximately 155,013-square-foot parking structure;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Site walls, fences, walkways, and exterior lighting; and
- f. 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 June 9, 2024.

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.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Addendum No. 657591 to Environmental Impact Report, No. 518009; 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 Addendum No. 657591 to Environmental Impact Report, No. 518009, 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:

Historic (Built environment); Paleontological; Noise (Construction)

CLIMATE ACTION PLAN REQUIREMENTS:

15. 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.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the reconstruction of existing curb with current City Standard Curb and Gutter adjacent to the site on Camino Del Rio South, as shown on Exhibit 'A', satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the replacement of existing sidewalk with City Standard, non-

contiguous sidewalk, along the project frontage on Camino Del Rio South, satisfactory to the City Engineer.

18. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the construction of three (3) current City Standard driveways, adjacent to the site on Camino Del Rio South as shown on Exhibit 'A', satisfactory to the City Engineer.

19. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the closure of all non-utilized driveways with current City Standard curb, gutter, and sidewalk, adjacent to the site on Camino Del Rio South, satisfactory to City Engineer.

20. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement (EMRA) for all private storm drain system connections, sidewalk underdrains/curb outlets, enhanced pavers, street trees, landscape, and irrigation located in the City's right-of-way, 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 the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

22. Prior to the issuance of any building permit for the Home Depot/retail development, the drainage system proposed for this development, as shown on the site plan, is subject to review and final approval by the City Engineer.

23. 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.

24. 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 SDMC, into the construction plans or specifications.

25. Prior to the issuance of any construction permit, the Owner/Permittee 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.

26. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

27. Prior to issuance of a grading or a construction permit, Owner/Permittee shall submit a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water 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.

29. Prior to the issuance of any grading permit for precise grading and/or utility layout, the Owner/Permittee shall submit building construction plans which satisfactorily demonstrate compliance with all required planting areas and points consistent with the Landscape Regulations.

30. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, 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.

31. Prior to issuance of any construction permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are 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 §142.0403(b)5.

32. 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."

33. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

34. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, 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.

PLANNING/DESIGN REQUIREMENTS:

35. 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.

36. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

37. 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

38. The 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 authorized by the appropriate City decision maker in accordance with the SDMC.

39. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate, and assure by permit and bond, the improvement of the fronting portion of Camino Del Rio South as a 2-lane collector with two-way left-turn lane, with a 44-foot curb-to-curb pavement width (11-foot travel lane in each direction, 10-foot two-way left turn lane, and 6-foot wide Class II bike lane in each direction); a 15-foot parkway (7-foot landscape, 8-foot sidewalk) on the south side; and a 100-foot left turn pocket into the eastern driveway per Exhibit 'A', satisfactory to the City Engineer.

40. All improvements for the phase being built shall be completed and operational prior to occupancy of that phase, satisfactory to the City Engineer.

GEOLOGY REQUIRMENTS:

41. Prior to the issuance of any construction permits (either grading or building), the Owner/ Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" 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.

42. 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 the exoneration of the bond and grading permit close-out.

43. Prior to the recordation of the discretionary permit, a "Notice of Geologic and Geotechnical Conditions" agreement between the Owner and the City regarding non-standard steep slope gradient necessary due to extraordinary site conditions shall be recorded against the property with the San Diego County Recorder. The form of the Notice shall be as provided by the City.

44. The Owner shall provide routine maintenance of the slopes within their property. Routine maintenance shall include the clearing of accumulated sediments and debris from the drainage facilities, maintenance of erosion resistant vegetation, inspection of the irrigation system, rodent control, restoring berms, and correcting erosion and negative drainage conditions. During the first year after the completion of slope construction slope areas within the property are to be inspected at least monthly and terrace drains shall be inspected during or immediately following intense rain events by a licensed professional geotechnical consultant hired by the Owner. After landscaping on slopes is established, the frequency of maintenance inspections by a licensed professional geotechnical consultant hired by the Owner shall be conducted quarterly during the rainy season.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

45. Prior to issuance of any building or construction permit, the Owner/Permittee shall have constructed, or assured, by permit and bond, the construction of all proposed public and private water and sewer facilities within the public right-of-way, and/or public easement, in accordance with the criteria established in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines, and all applicable City regulations, standards, and practices.

46. Prior to any Certificate of Occupancy being issued, all domestic, irrigation, and fire water lines serving this development shall pass through a permitted,

private, above-ground, backflow prevention device (BFPD) or include the following note on the site plan:

- a. Prior to any building permit being issued, any existing sewer lateral to be reused shall be videoed and inspected by a California licensed plumber to verify (via a signed statement on company letterhead) all of the following: the lateral has an appropriate cleanout; is in good condition; is free of all debris; is properly connected to a public sewer main; and is suitable for reuse. If the lateral does not meet these requirements, it must be cleaned, repaired if necessary, and re-inspected or abandoned, capped, and replaced with a new permitted lateral.

47. Prior to the issuance of any Certificate of Occupancy, any private improvements which lie within a public right-of-way fronting the development, which could inhibit the City's right to access, maintain, repair, or replace its public water and sewer facilities shall be removed by the Owner/Permittee, unless the Owner/Permittee has or obtains a City approved/County recorded Encroachment Maintenance Removal Agreement (EMRA) specific to that encroachment.

48. Prior to issuance of any Certificate of Occupancy Permit, any damages caused to the City of San Diego's public water and/or sewer facilities, which are due to the activities associated with this development, shall be repaired or reconstructed by the Owner/Permittee in a manner satisfactory to the Public Utilities Director and the City Engineer in accordance with Municipal Code section 142.0607.

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 Council of the City of San Diego on May 25, 2021, by Resolution No. **R-313561**

Approved by the Council of the City of San Diego on May 25, 2021, by Resolution No. R-313561. The Council of the City of San Diego hereby approves the proposed project and the associated impact fees. The Council of the City of San Diego hereby approves the proposed project and the associated impact fees. The Council of the City of San Diego hereby approves the proposed project and the associated impact fees.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Martha Blake
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.

Scottish Rite Center
Owner/Permittee

By _____
Name/Title

Home Depot
Permittee

By _____
Name/Title

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

Development Project Manager

Passed by the Council of The City of San Diego on MAY 25 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von-Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 25 2021.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Brenda Bruen, Deputy

Office of the City Clerk, San Diego, California

313561

Resolution Number R-_____