

RESOLUTION NUMBER R- 316020

DATE OF FINAL PASSAGE FEB 03 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT
NO. PMT-3198048.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Tri Pointe Homes IE-SD, Inc., Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit No. PMT3198048 for the construction of a primary access road (portions of Lot C of Map No. 15592) on a 0.78 acre site and secondary emergency only access road (portions of Lot A of Map No. 15592) on a 0.49 acre site to accommodate a future development of 215 multiple dwelling units (up to 221 units maximum), including 22 affordable units, on 23.8 acres (proposed Lot 1) that is being considered for annexation into the City of San Diego (Nakano Project), located north of Dennery Road, between Regatta Lane and Sand Star Way. The 1.27-acre site is legally described as Lot 'C' of Dennery Ranch Village 2/3 according to Map Thereof No. 15592, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on August 15, 2007, in the Otay Mesa Community Plan area, in the RM-2-4 zone.

B. On December 19, 2024, the Planning Commission of the City of San Diego considered Site Development Permit No. PMT-3198048, and pursuant to Resolution No. 5324-PC voted to recommend approval of the Permit.

C. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

D. Under Charter section 280(a)(2) this Resolution is not subject to veto by the Mayor because this matter requires the 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.

E. The matter was set for public hearing on February 3, 2025, testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being fully advised concerning the same.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council finds the following with respect to Site Development Permit No. PMT-3198048:

A. Site Development Permit - Section 126.0505

1. Findings for all Site Development Permits:

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

The project proposes the construction of a primary access road (portions of Lot C of Map No. 15592) on a 0.78 acre site and a secondary emergency-only access road (portions of Lot A of Map No. 15592) on a 0.49 acre site to accommodate a future development of 215 multiple dwelling units (up to 221 units maximum), including 22 affordable units, on 23.8 acres (proposed Lot 1) that is being considered for annexation into the City of San Diego.

Lot 1 is currently within the City of Chula Vista, while the primary access road and secondary emergency only access road (portions of Lot A of Map No. 15592) are located within the City of San Diego (City). The land to the east, south, and west of the site are within the City. Due to the location of the Otay River separating the site from the City of Chula Vista jurisdictional lands and public services to the north, and the

availability of adjacent access and public services from the City, Lot 1 is being considered for annexation into the City.

Lot C, which is in the City of San Diego's jurisdiction, is the main access road to the project site and would be provided via a driveway off Dennery Road. Lot A, which is in the City of San Diego's jurisdiction, is the secondary emergency only access to be provided via an accessible emergency use only road located in the northeastern portion of the project and enables travel to the east through the adjacent community.

Lot 1 is currently vacant and designated as Open Space by the City of Chula Vista General Plan and zoned as Agricultural Zone A-8 by the City of Chula Vista Zoning Code.

Lots A and C are within the City, and designated as Residential – Low Medium by the General Plan and the Otay Mesa Community Plan (Community Plan) and zoned as RM-2-4 by the San Diego Municipal Code (SDMC).

Surrounding land uses include the Otay River to the north, residential development to the east, a Kaiser Permanente medical facility to the south, and Interstate 805 (I-805) to the west. The two multiple dwelling unit developments just east of the project site include River Edge Terrace and Ocean View Hills are within the City. These developments are designated Residential-Low Medium in the Community Plan.

Along with this SDP, concurrently, the project proposes a Community Plan Amendment to change the land use designation of the project site to the Residential – Low Medium (10-14 DU/AC) density which will help complement the land uses in the surrounding community to the west and southwest. The Residential – Low Medium (10-14 DU/AC) land use designation allows for additional multiple dwelling units in proximity to medical, commercial, open space, and four Metropolitan Transit System (MTS) bus stops at the intersections of Palm Avenue/Dennery Road and Dennery Road/Walmart Driveway, approximately 0.3 miles and 0.5 miles walking distance, respectively from the project site.

The City of Chula Vista is the Lead Agency for the Environmental Impact Report for the project, 22-001/SCH #2022060260 (EIR). The City is a responsible agency for the EIR. The City of San Diego has reviewed and considered California Environmental Quality Act (CEQA) Guidelines Section 15162 consistency evaluation with the City of Chula

Vista certified Environmental Impact Report (EIR22-001; SCH #2022060260) and determined no subsequent environmental document shall be prepared and a Mitigation, Monitoring, and Reporting Program (MMRP) consistent with the Environmental Impact Report shall be adopted.

The project contributes to the area's public facilities by providing recreational amenities such as pocket parks and a new trail access point to the Otay Valley Regional Park (OVRP) and incorporation of an overlook area over the OVRP. Therefore, the proposed development of the access roads to enable future development of housing will not adversely affect the applicable land use plan and will contribute to the future development which will also comply with the land use plan.

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

Findings A.1.a. is incorporated herein by reference.

The access roads will be required to obtain a grading permit with best management practices to ensure site drainage and run-off are directed to the right-of-way, further facilitating public health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for the project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in the Site Development Permit and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code.

Concurrently, the applicant is in the process of obtaining entitlements from both Chula Vista and San Diego prior to seeking approval from the San Diego County Local Agency Formation Commission (LAFCO) for the detachment and annexation which is referred to as a reorganization. On December 3, 2024, the Chula Vista City Council adopted a resolution certifying the EIR, approval of required entitlements, and a resolution of support of the reorganization. Environmental Impact Report (EIR) No. 22-001/SCH No. 2022060260 has been prepared for this project in accordance

with CEQA guidelines and includes a Mitigation, Monitoring and Reporting Program to address required mitigation measures. Chula Vista is the Lead Agency for the project pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The Lead Agency, as defined by CEQA Guidelines Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving the project. The EIR analyzes the project under both Chula Vista and San Diego policies and regulations.

The EIR determined that the project would result in significant but mitigated impacts to Land Use and Planning, Biological Resources, Greenhouse Gas Emissions, Health and Safety/Hazardous Materials, Historical Resources, Transportation, Tribal Cultural Resources, and Hydrology and Water Quality. The City also prepared Findings and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 for the following impacts found to be significant and unavoidable in the EIR: Land Use and Planning, Greenhouse Gas Emissions, and Transportation (Vehicle Miles Traveled).

The Site Development Permit is for the access roads to allow future development which has been fully analyzed for impacts to public health and safety. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The project proposes the construction of a primary access road (portions of Lot C of Map No. 15592) on a 0.78 acre site and secondary emergency only access road (portions of Lot A of Map No. 15592) on a 0.49 acre site to accommodate a future development of 215 multiple dwelling units (up to 221 units maximum), including 22 affordable units, on 23.8 acres (proposed Lot 1) that is being considered for annexation into the City of San Diego.

Lot 1 is currently within the City of Chula Vista, while the primary access road and secondary emergency access road (Lots A and C) are located within the City. The land to the east, south, and west of the site are within the City. Due to the location of the Otay River separating the site from the City of Chula Vista jurisdictional lands and public services to the

north, and the availability of adjacent access and public services from the City, Lot 1 is being considered for annexation into the City.

Lot C, which is in the City of San Diego's jurisdiction, is the main access road to the project site and would be provided via a driveway off Dennery Road. Lot A, which is in the City of San Diego's jurisdiction, is the secondary emergency only access to be provided via an accessible emergency use only road located in the northeastern portion of the project to enable travel to the east through the adjacent community.

Access to and from the project site would be provided via Dennery Road, a City roadway located southeast of the project site. Primary access via Private Street A would be provided via a proposed 25-foot-wide driveway approximately 40 feet southwest of the existing driveway. The existing driveway would be removed and replaced with full height curb, gutter, and non-contiguous sidewalk per current City standards. An access easement through the primary access road would be granted in favor of all parcels within the project site. Internal circulation would consist of a series of private drives. Private Street A would be the main project access providing access to the site via Dennery Road.

Secondary emergency only access would be provided via a 20-foot-wide emergency only access road located within an existing manufactured slope, in the northeastern portion of the project area. An easement from the adjacent property owner would be required to allow access through this property. The emergency access road would enable emergency-only travel to the east through the adjacent residential community in the City. No deviations to the access roads are proposed or required. Therefore, the proposed access roads will comply with the regulations of the Land Development Code and no deviations are being requested.

2. Supplemental Findings – Environmentally Sensitive Lands

- 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.

The project proposes the construction of a primary access road (portions of Lot C of Map No. 15592) on a 0.78 acre site and secondary emergency only access road (portions of Lot A of Map No. 15592) on a 0.49 acre site to accommodate a

future development of 215 multiple dwelling units (up to 221 units maximum), including 22 affordable units, on 23.8 acres (proposed Lot 1) that is being considered for annexation into the City of San Diego.

The project site is currently vacant and was historically used for agricultural purposes. Agricultural operations ceased on the site circa 2010. Former agricultural building foundations are in the central area of the site. The majority of the site is flat, with the flat area consisting of disturbed habitat and non-native grasslands. The southern area of the site includes a hillside with Diegan coastal sage scrub, southern willow scrub, and disturbed habitats. Elevations within the project site range from 90 feet above mean sea level in the northern portion of the site to 180 feet above mean sea level in the southern portion of the site.

The project site is outside the 100-year floodway; however, based on available Federal Emergency Management Agency (FEMA) mapping, the 100-year and 500-year floodplain associated with the Otay River abuts and enters the project site. As documented in the Letter of Map Amendment (LOMA) from FEMA (EIR Appendix O), the project site elevation along the northern property line is currently three feet above the highest floodplain elevation. Based on the analysis of base flood elevations at the project site, the site qualified for removal from the 100-year floodplain. A FEMA determination was provided on May 22, 2020, which determined that removal of the project site from the 100-year floodplain was approved.

The project site is not located within coastal beaches or sensitive coastal bluffs. There is drainage containing some native vegetation along the eastern boundary of the project site that conveys stormwater runoff from the Kaiser Permanente Otay Mesa medical offices to the south through the site to the Otay River. Several dirt trails extend through the project site from the southeastern corner near Dennery Road to the north towards the OVRP.

Access to and from the residential project site would be provided via Dennery Road, a City roadway located southeast of the project site. Primary access via Private Street A would be provided via a proposed 25-foot-wide driveway approximately 40 feet southwest of the existing driveway. The existing driveway would be removed and replaced with full height curb, gutter, and non-contiguous sidewalk per

current City standards. An access easement through the primary access road would be granted in favor of all parcels within the project site. Internal circulation would consist of a series of private drives. Private Street A would be the main project access providing access to the site via Denney Road.

Secondary emergency only access would be provided via a 20-foot-wide emergency only access road located within an existing manufactured slope, in the northeastern portion of the project area. An easement from the adjacent property owner would be required to allow access through this property. The emergency access road would enable emergency only travel to the east through the adjacent residential community in the City.

The project would emphasize trail connections to the OVRP for both residents and members of the surrounding community. An existing trail connection running along the western side of the project site would be retained as a 7-to-8-foot-wide trail enhanced with decomposed granite surfacing to provide connection to the OVRP trail system. This existing trail would be separated from the development area by a small retaining wall and a composite split rail fence.

The project would install an upgraded storm drain to convey water from south to north, maintaining its current direction of flow. An existing channel (and wetland feature) along the east side of the project would be mostly preserved and run-on originating from south of the site, would continue to flow to the north through the drainage/wetland course, through a concrete box culvert to be located under the emergency only access road, with flow continuing north toward the Otay River valley.

Environmentally Sensitive Lands (ESL) include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs and 100-year floodplains. Impacts to biological resources within and outside the MHPA must comply with the ESL Regulations, which also serve as standards for the determination of biological impacts and mitigation under the California Environmental Quality Act (CEQA) in the City.

The City requires a Site Development Permit for the primary access road and secondary emergency-only access road (Lots A and C) due to the presence of ESL (sensitive biological resources and steep hillsides) on land within the City.

ESL sensitive biological resources within the primary access road and secondary emergency-only access road include wetlands, Tier II (Diegan coastal sage scrub) habitat, MSCP-covered species, state and federal listed species, and narrow endemic species.

Best management practices will be implemented during all grading activities to reduce potential indirect effects on special-status species and habitat. Prior to ground disturbance, all permanent and temporary disturbance areas shall be clearly delineated by orange construction fencing and the identification of environmentally sensitive areas with flagging and/or fencing. The project shall mitigate direct impacts to Diegan coastal sage scrub a at a 1:1 mitigation ratio. Mitigation will be achieved through the preservation of Diegan coastal sage scrub habitat (Tier II) at the Pacific Highlands Ranch Restoration and Mitigation Credit Area. Overall, 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.

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

City SDMC Section 142.0101 provides the City's grading regulations which address slope stability, protection of property, erosion control, water quality, landform preservation, and to protect the public health, safety, and welfare of persons, property, and the environment. To reduce slide danger and erosion hazards, a grading permit must be obtained for all projects involving the process of moving soil and rock from one location to another.

The existing project site is generally flat where the development is proposed; however, steep slopes exist in the southern portion of the site and within the primary access road access and secondary emergency only access road (Lots A and C). The project would disturb approximately 2.76 acres of steep hillsides or 10.6 percent of the steep hillsides which is within the encroachment allowance specified in the City's ELS regulations (LDC Chapter 14, Article 3, Division 1).

Encroachment into the existing steep hillsides would not alter the existing visual quality of the project site. The majority of the steep slopes would remain, and the project would be constructed at a lower elevation compared to the steep slopes.

Therefore, the project would retain the existing landform as seen from existing trails crossing the project site or located adjacent to the project site. None of the graded slopes would be visible from Dennery Road due to the elevation of the road in relation to the slope areas.

Development of the project would require grading of approximately 21.18 acres. Cut volumes would total approximately 110,400 cubic yards located in the southern portion of the site. Approximately 133,000 cubic yards of fill would be required within the northern portion of the site and associated with the primary and secondary access roads (Lot C). The maximum height of fill slopes is 21 feet and the maximum height of cut slopes is 19 feet, exceeding the 10-foot slope threshold.

The project includes additional design measures to retain the naturalized slopes and follow the natural landform. The proposed grading would closely mimic the existing landforms. With the bulk of the development area being focused within the flat portion of the site, some of the natural slope at the southern end of the site would remain undisturbed. Where the project would grade into the southern slope, the proposed manufactured slope would closely imitate the existing on-site landform. While the proposed access roadway would include more cut into the hillside, the landform already includes existing dirt access roadway within this southern area of the site that visually presents a similar hillside cut. The proposed manufactured slope at the southern end of the project site includes natural contours, rounding to follow the existing topography. After grading is complete the slope would be revegetated and would visually blend with the remaining natural slope.

The proposed fill at the southern portion of the site and for the primary access road is necessary to allow for project access to Dennery Road which sits at a higher elevation than the project site. To accommodate required roadway design requirements, a retaining wall is proposed along the main project access (Private Drive A) to retain the adjacent slope and minimize additional grading.

The proposed project would adhere to all federal, regional, and local regulations, including the City Drainage Design Manual and SDMC regulations ensure that the project complies with the MS4 Permit.

The project site is outside the 100-year floodway; however, based on available FEMA mapping, the 100-year and 500-year floodplain associated with the Otay River abuts and enters the project site. As documented in the LOMA from FEMA (EIR Appendix O), the project site elevation along the northern property line is currently three feet above the highest floodplain elevation. Based on the analysis of base flood elevations at the project site, the site qualified for removal from the 100-year floodplain. A FEMA determination was provided on May 22, 2020, which determined that removal of the project site from the 100-year floodplain was approved.

The project site is outside of the FEMA 100-year floodplain but is located within a dam inundation zone. While in proximity to potential inundation risk from failure of the Upper and Lower Otay Dam, through state-mandated routine inspections, the risk of dam failure is low. The project would not increase flow velocity or quantities that would affect other properties.

Potential wildfire risk zones are areas that have steep slopes, limited precipitation, and vegetation fuel on-site or within adjacent areas. The project site lies within an area considered a very high fire hazard severity zone (VHFHSZ) as designated by the Chula Vista Fire Department (CVFD), the San Diego Fire-Rescue Department (SDFRD), and on California Department of Forestry and Fire Hazard Severity Zone maps.

Although the project would be subject to fire risk and associated release of pollutants in the event of a wildfire, the proposed project would not exacerbate existing risk. Through compliance with CBC Chapter 7A in addition to incorporation of appropriate fuel management zones, the Nakano Project would not exacerbate fire risk due to slope changes or changes in wind patterns. The topographic changes to the site, including a slight raising of the site elevation to ensure a flood free building site, would not change wind patterns or exacerbate fire risk. CBC Chapter 7A regulates building materials, systems, and/or assemblies used in the exterior design and construction of new buildings located within a fire hazard area to reduce ignition potential. The proposed project also includes fuel management zones that serve to reduce fire intensity and flame lengths from advancing fire through restricted vegetation and irrigated areas around the perimeter of structures. A typical landscape/fuel modification installation per the City of Chula Vista's Fire Code consists of

a 50-foot-wide Zone 1 and a 50-foot-wide Zone 2 for a total of 100 feet in width. Due to the constraints within the project site, the Nakano Project includes a reduced fuel management zone in constrained areas but incorporates alternative fire-resistant materials and measures to provide fire protection functional equivalency as a full brush management zone.

Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

Finding A.2.a. incorporated by reference.

- 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 Multiple Species Conservation Program (MSCP) Subregional Plan is implemented in the City through the City's MSCP Subarea Plan. The City's MSCP Subarea Plan identifies lands designated as MHPA, which is a "hard-line" preserve developed by the City in cooperation with the wildlife agencies, developers, property owners, and various environmental groups. Within the MHPA, biological core resource areas and corridors targeted for conservation are identified and discussed, in which development restrictions may occur.

The overall project area with the exception of the primary access road and secondary emergency only access road (Lot C) located within the City, is located outside the City MSCP Subarea Plan. The nearest MHPA is approximately 180 feet west of the project area, across I-805.

A minor amendment to the City MSCP Subarea Plan would be required to amend the MSCP Subarea Plan boundary to include the project site (Lot 1). After the site is included in the City's MSCP Subarea Plan boundary, it would be subject to the City MSCP Subarea Plan. Upon approval of the MSCP Subarea Plan amendment, the Take Authorizations of the City's MSCP Subarea Plan would be applicable to the project

site. In addition, the off-site area associated with road improvements in the City would continue to be subject to the City MSCP Subarea Plan.

The project would be subject to conformance with the City ESL Regulations and Biology Guidelines, which are intended to implement the City MSCP Subarea Plan (City of San Diego 1997) and ensure that development occurs in a manner that protects the overall quality of the habitat resources, encourages a sensitive form of development, and retains biodiversity and interconnected habitats.

The project demonstrates consistency with these regulations as the project occurs outside of the MHPA, provides habitat-based mitigation in conformance with the ratios set forth in the MSCP, and avoids impacts to narrow endemics and wetlands to the maximum extent practicable. Unavoidable impacts to wetlands for site access within Lot 1 would be mitigated at a minimum 2:1 ratio, consistent with the MSCP. No impacts to wetlands occur via the development within the primary access road and secondary emergency only access road (Lots A and C) located within the City.

The project is consistent with the findings for the City wetland deviation process by providing a Biologically Superior Option (Lot 1), through avoiding wetland impacts to the extent feasible while providing improved on-site conditions and off-site wetland mitigation within Spring Canyon, a regional MSCP corridor. Off-site impacts to Otay tarplant, a narrow endemic, would occur within the City and impacts to these 14 individuals would be mitigated through off-site restoration pursuant to the Otay Tarplant Mitigation Plan and in accordance with the City's MSCP Subarea Plan.

The project site does not have vernal pools.

Therefore, 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).

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

Finding A.2.a. incorporated by reference.

The project is approximately 8 miles from the nearest public beach. The proposed project would install an upgraded storm drain to convey water from south to north, maintaining its current direction of flow. An existing channel (and wetland feature) along the east side of the project would be mostly preserved and run-on originating from south of the site, would continue to flow to the north through the drainage/wetland course, through a concrete box culvert to be located under the emergency access road, with flow continuing north toward the Otay River valley.

Two biofiltration basins and a modular wetland unit with a detention vault would be constructed on-site to manage water quality and provide peak flow detention. The biofiltration basins would have an impermeable lining. Site runoff would outlet on the north end of the project site and sheet flow towards the Otay River. Therefore, the proposed development will not contribute to the erosion of public 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.

Finding A.2.a. incorporated by reference.

The City of Chula Vista is the Lead Agency for the Environmental Impact Report (EIR) for the Nakano Project, EIR 22-001/SCH #2022060260. The City is a responsible agency for the EIR. The project has undergone environmental review, in compliance with the California Environmental Quality Act (CEQA). CEQA Section 21081.6 requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an Environmental Impact Report to ensure that the mitigation measures are implemented. The MMRP specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The EIR prepared for the project, focused on issues determined to be potentially significant by the City of Chula Vista and the City of San Diego. The issues addressed in the EIR include land use, air quality, biological resources, geologic and paleontological resources, greenhouse gas emissions, health and safety/hazardous materials, historical resources, noise, transportation, tribal cultural resources,

aesthetics, hydrology/water quality, public services, utilities and service systems, and wildfire.

EIR Table S-1 summarizes the significant impacts identified through the environmental analysis completed for the Nakano Project. EIR Table S-1 and Table 10-1 identifies the mitigation measures that would reduce and/or avoid the environmental effects as feasible, with a conclusion as to whether the impact would be mitigated to below a level of significance or if impacts would remain significant and unavoidable.


Therefore, 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.

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

3. The Site Development Permit No. PMT-3198048 is granted to Tri Pointe Homes IE-SD Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: HEATHER FERBERT, City Attorney

By



Corrine L. Neuffer
Senior Chief Deputy City Attorney

CLN:jn2
January 3, 2025
January 22, 2025 (COR.COPY)
Or.Dept: DSD
Doc. No. 3918491.2

Attachment: Site Development Permit No. PMT-3198048

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
FEB 03 2025.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

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: 24009434

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. PMT-3198048
NAKANO PROJECT – PROJECT NO. PRJ-1076302 [MMRP]
CITY COUNCIL

This Site Development Permit No. PMT-3198048 is granted by the City Council of the City of San Diego to Tri Pointe Homes IE-SD, Inc., a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505. The 1.27-acre site is located west of Dennerly Road, between Regatta Lane and Sand Star Way, in the RM-2-4 zone of the Otay Mesa Community Plan area. The project site is legally described as: Lot 'C' of Dennerly Ranch Village 2/3 according to Map thereof no. 15592, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, State of California, August 15, 2007.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the construction of a primary access road (portions of Lot C of Map No. 15592) on 0.78 acre and secondary emergency-only access road (portions of Lot A of Map No. 15592) on 0.49 acre to accommodate a future development of 215 multiple dwelling units (up to 221 units maximum), including 22 affordable units, on 23.8 acres (proposed Lot 1) that is being considered for annexation into the City of San Diego (Nakano Project) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated FEB 03 2025 on file in the Development Services Department.

The project shall include:

- a. Construction of a primary access road and secondary emergency-only access road on 1.27 acres (Lot C);
- b. Landscaping (planting, irrigation and landscape-related improvements);
- c. Off-street parking; and
- d. 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 **FEB 03 2028**
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the

City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third-Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. 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.

9. 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.

10. 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.

11. An Ordinance of the Council of the City of San Diego Approving an Annexation Agreement between the City of San Diego, City of Chula Vista, and Tri Pointe Homes IE-SD, Inc. relating to the Nakano Project- Project No. PRJ-1076302 was approved by the Council of the City of San Diego by Ordinance No. 0-21919

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 ENVIRONMENTAL IMPACT REPORT NO. 22-001/SCH #2022060260, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in ENVIRONMENTAL IMPACT REPORT NO. 22-001/SCH #2022060260 for, 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:

- Land Use
- Biological Resources
- Greenhouse Gas Emissions
- Health and Safety/ Hazardous Materials
- Historical Resources
- Transportation
- Tribal Cultural Resources
- Hydrology and Water Quality

15. The Owner/Permittee shall comply with the Project Design Features identified in Sections 3.6.2 and 3.6.3 of the ENVIRONMENTAL IMPACT REPORT NO. 22-001 /SCH #2022060260, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the Project Design Features shall be adhered to, to the satisfaction of the City Engineer. All project design features described in the EIR Sections 3.6.2 and 3.6.3 shall be implemented for the following issue areas:

- Land Use (Noise Compatibility)
- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Utilities and Service Systems
- Transportation
- Wildfire

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond removal of existing driveway and the construction of a 25-foot-wide driveway per current City standards on Dennery Road satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, Owner/Permittee, Inc. 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 of San Diego City Engineer (City Engineer).

18. Development of the 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.

19. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. Should ownership of the entire Nakano Project 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 Control 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 of San Diego.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any construction permit for grading, 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.

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

22. 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.

23. 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 calendar days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

24. 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.
25. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
26. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

27. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities as required in the accepted water and sewer studies for this project in a manner satisfactory to the Public Utilities Director and the City Engineer. Water and sewer facilities, as shown on the approved Exhibit "A", may require modification based on the accepted water and sewer studies and final engineering.
28. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
29. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.
30. No approved improvements or landscaping, including private water facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
31. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

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 FEB 03 2025 by Resolution No. R-R-316020.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Oscar Galvez
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.

Tri Pointe Homes IE-SD, Inc.
Owner/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 FEB 03 2025, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<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"/>
Kent Lee	<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 checked="" type="checkbox"/>	<input 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 FEB 03 2025.

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Kristelle Medina*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 316020