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(R-2027-10)

RESOLUTION NUMBER R- **316869**

DATE OF FINAL PASSAGE **JUL 07 2026**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE SITE DEVELOPMENT PERMIT NO. PMT-3262906, NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT-3273605, AND NEIGHBORHOOD USE PERMIT NO. PMT-3286476 FOR THE EMERALD HILLS PROJECT - PROJECT NO. PRJ-1107880 [MMRP].

RECITALS

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

A. VERTICAL BRIDGE LANDCO, LLC, A Delaware Limited Liability Company, Owner, and D.R. HORTON LOS ANGELES HOLDING COMPANY, INC., A California Corporation, Permittee, submitted an application to the City of San Diego for a Vesting Tentative Map No. PMT-3262907, a Site Development Permit No. PMT-3262906, a Neighborhood Development Permit No. PMT-3273605, and a Neighborhood Use Permit No. PMT-3286476, to subdivide a 31.18-acre site into 130 lots to include 123 residential for-sale lots for single-dwelling units and seven (7) private open space lots (maintained by a Homeowner's Association [HOA]) for the Emerald Hills Project (Project). The Project includes the demolition of an existing radio transmitter facility, including a 7,050-square-foot (SF) transmitter building, two broadcast towers, and existing associated improvements for the construction of 123 residential dwelling units (including 13 affordable for-sale dwelling units with prices set aside for households with an income of no more than 100 percent of the area median income [AMI]), seven (7) private open space lots (maintained by a HOA) totaling 7.95 acre, public streets totaling 6.42 acres, and associated improvements (as described in and by reference to the

approved Exhibits "A" and corresponding conditions of approval for the associated Vesting Tentative Map No. PMT-3262907, Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605 and Neighborhood Use Permit No. PMT-3286476), for the Emerald Hills Project.

B. The 31.18-acre site is located at 5702 Old Memory Lane within the Encanto Neighborhoods Community Plan (Community Plan) Planning area, in the RS-1-2 (Residential-Single Unit) zone, Complete Communities Mobility Choices Mobility Zone 2, Airport Land Use Compatibility Overlay Zone for San Diego International Airport (SDIA), Airport Influence Area – Review Area Two for SDIA, containing Environmentally Sensitive Lands, and an Affordable Housing Parking Demand area. The project site is legally described as ALL THAT PORTION OF LOT 18 OF RANCHO MISSION OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE PARTITION MAP THEREOF MADE IN AN ACTION ENTITLED "JUAN M. LUCO, ET AL, VS. COMMERCIAL BANK OF SAN DIEGO, A CORPORATION, ET AL" AND ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY.

C. On November 20, 2025, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. PMT-3262907, Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605, and Neighborhood Use Permit No. PMT-3286476, and voted 7-0-0 to approve the Project with a motion made by Commissioner Boomhower, seconded by Commissioner Malbrough.

D. On November 20, 2025, the Planning Commission adopted Resolution No. 5363-PC for Addendum No. 1107880 to the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates Project Program EIR (PEIR) No. 386029/State Clearinghouse (SCH)

No. 2014051075 and a Mitigation, Monitoring, and Reporting Program (MMRP) for Biological Resources and Paleontological Resources, copies of which are on file in the Office of the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.).

E. On December 1, 2025, Saige Gonzales Walding, on behalf of the Chollas Valley Community Planning Group, filed an appeal of the City of San Diego Planning Commission's approval of the Project to the Council citing Factual Error, Conflict with other Matters, Findings Not Supported, New Information and City-wide Significance.

F. On July 7, 2026, the Council considered the Appeal of the Planning Commission's Approval of Vesting Tentative Map No. PMT-3262907, Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605, and Neighborhood Use Permit No. PMT-3286476, pursuant to the Land Development Code of the City of San Diego.

G. 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.

H. Under San Diego 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.

ACTION ITEMS

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

1. The Council adopts the following findings with respect to Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605, and Neighborhood Use Permit No. PMT-3286476.

A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)

SECTION 126.0505

I. Findings for all Site Development Permits (SDMC 126.0505(a)):

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

The Emerald Hills Project [Project] proposes the following:

1. The demolition of an existing radio transmitter facility and associated existing site improvements previously described.
2. The subdivision of the approximately 31.18-acre site into 130 lots to include 123 residential for-sale lots for single-dwelling unit lots and seven (7) private open space lots totaling 7.95 acres (maintained by a Homeowner's Association [HOA]). 13 of the residential for-sale lots will be allocated for affordable dwelling units with prices set aside for households with an income of no more than 100 percent of the area median income (AMI).
3. Public Streets totaling 6.42 acres and associated improvements including four encroachments into the public right-of-way (ROW):
 - A retaining wall within the easterly side of the 60th Street ROW, from Dipper Street to north of Upland Street, which is necessary to provide the required sight distance in conformance with applicable regulations for the intersection of 60th Street and the proposed Street 'A', which is the primary entrance to the Project site. This wall requires a Site Development Permit (SDP) per SDMC Section 126.0502(d)(6), because the proposed encroachment is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the encroachment will be located. The retaining wall would allow for the elevation of

60th Street to be raised thus extending the line of sight for vehicles as they approach the apex of the roadway and the proposed intersection. The wall proposed within the public right-of-way on the east side of 60th Street would be a City asset, and the City would be responsible for maintenance of the retaining wall;

- A retaining wall in the northeastern corner of the Project site that extends northerly beyond the frontage of the Project site within the 60th Street ROW, which is necessary to connect the proposed sidewalk along the Project's frontage to the existing sidewalk located northerly of the Project site within the 60th Street ROW, without significant grading within the adjacent off-site property. This wall requires a Neighborhood Development Permit (NDP) per SDMC Section 126.0402(j), because the proposed encroachments involve construction of a privately-owned structure or facility into the public ROW where the applicant is the record owner of the underlying fee title and a SDP per SDMC Section 126.0502(d)(6), because the proposed encroachment is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the encroachment will be located for the portion of the wall that extends north beyond the frontage of the project site.
 - A retaining wall in the southeastern corner of the Project site that extends easterly into the 60th Street ROW. This wall requires a NDP, pursuant to SDMC Section 129.0710(a), as described above; and
 - Automatic gates located on-site within the public ROW of the Emergency Vehicle Access (EVA) alley, further described below. This encroachment requires a NDP, pursuant to SDMC Section 129.0710(a), as described above.
4. Demolition of an existing radio transmitter facility, which includes a 7,050-square-foot (SF) transmitter building, two broadcast towers and associated site improvements.
 5. New streetlights along the entire project frontage along 60th Street.
 6. A multi-modal trail (to be privately maintained) adjacent to the 60th Street ROW fronting the project site.

7. An emergency vehicle access (EVA) alley, Public Street “B”, at the westerly portion of the site that would allow access to and from the northwest terminus/cul-de-sac of Old Memory Lane adjacent to Emerald Hills Neighborhood Park, as shown on Exhibit “A.” The proposed EVA alley would provide secondary access to the site in the event of an emergency. The access road would be secured with locked gates, each equipped with a Knox box, allowing emergency responders to unlock the gates in the event of an emergency.
8. A neighborhood identification sign at the southwest corner of Street “A” and 60th Street located outside of the required visibility triangle area as shown on the Exhibit “A”. The neighborhood identification sign would be comprised of masonry walls with brick veneer and cast concrete accents. The neighborhood identification sign requires a Neighborhood Use Permit (NUP) in accordance with SDMC Section 126.0203(a).
9. Deviations from the applicable Land Development Code (LDC) regulations in the form of an incentive and waivers in accordance with the SDMC Affordable Housing Regulations of Chapter 14, Article 3, Division 7, further described below under “Project Related Issues.”

The 31.18-acre site is located at 5702 Old Memory Lane in the RS-1-2 (Residential-Single Unit) zone, Complete Communities Mobility Choices Mobility Zone 2, Airport Land Use Compatibility Overlay Zone for San Diego International Airport (SDIA), Airport Influence Area – Review Area Two for SDIA, Environmentally Sensitive Lands in the form of sensitive biological resources (non-native grasslands), and Affordable Housing Parking Demand area within the Encanto Neighborhoods Community Plan (Community Plan) Planning Area. The Project site is characterized by sloping terrain that ranges in elevation from approximately 315 feet above mean sea level (AMSL) to approximately 375 feet AMSL. The Project site is surrounded by single-dwelling unit development to the north, east, and south; to the west is an existing elementary school and Emerald Hills Neighborhood Park. Vegetation within the Project site is limited to non-native grasslands with pockets of sagebrush and two special-status plant species (small-flowered morning glory and decumbent goldenbush), a few eucalyptus trees and small patches of disturbed native habitat in the form of Diegan Coastal Sage Scrub (disturbed) located along the northern Project site boundary.

The Project site was previously developed for a radio transmitter facility, which included a 7,050-square-foot (SF) transmitter building, two broadcast towers and associated site improvements. A Historical Resource Technical Report (HRTR) prepared by BFSA Environmental Services (dated January 31, 2024, and revised March 19, 2024) was prepared for the Project site,

which identified the existing transmitter building as a two-story, Streamline Moderne-style commercial building built in 1948, along with one of the two existing broadcast towers. The HRTR evaluated the property for significance under Historical Resources Board (HRB) Criterion A and found no significance as a special element for historical development for the development of radio broadcasting. It also did not find any significance under HRB Criterion B in association with significant persons or events. Additionally, the report did not find any significance under HRB Criterion C for the building or HRB Criterion D as a representative of a notable work of a master, as the designer/builder of the building and towers.

The Project site is designated as Residential Very Low land use in the Community Plan, which allows a density range of zero to four dwelling units per acre (0-4 du/ac). The City of San Diego General Plan (General Plan) also designates the Project site for Residential land uses. The Project proposes 123 single-dwelling units at a proposed density of 3.94 dwelling units per acre (du/ac) (123 dwelling units/31.18 acres equals 3.94 du/ac), consistent with the density range of the Community Plan.

The proposed lot sizes range from 5,000 square feet to 9,172 square feet, with an average of approximately 5,954 square feet. The proposed development pattern is compatible with the established surrounding neighborhood. The RS-1-2 (Residential-Single Unit) zoning designation permits a density of one dwelling unit per lot with a minimum lot area of 20,000 square feet. If the site were developed utilizing the RS-1-2 zone regulations, the 31.18-acre site would be allowed to develop 67 dwelling units ($31.18 \times 43,560 / 20,000 = 67.91$ rounded down to 67 in accordance with SDMC Section 113.0222). The RS-1-2 zone designation, therefore, would not allow the project to maximize the allowable Community Plan density of up to four dwelling units per acre for the site.

However, this project is a subdivision utilizing the zoning regulations of the RS-1-7 zone in accordance with SDMC Section 131.0431, Table 131-04D, Footnote 7. The project was deemed complete on December 6, 2023, which is prior to the repeal of Footnote 7 from Table 131-04D by Ordinance No. O-21934 N.S. The repeal of Footnote 7 took effect on April 24, 2025.

The Project would comply with the City of San Diego Mobility Choices Regulations for Mobility Zone 2. The purpose of the Mobility Choices Regulations is to reduce Citywide vehicle miles traveled (VMT) to address the environmental impacts of development related to noise, air pollution, and greenhouse gas emissions. The Project will comply with the regulations by implementing the following VMT Reduction Measures:

- Installation of one bike repair station in Pocket Park 1 in the location shown in Exhibit "A."

- Provision of eight (8) trees with 20 feet spacing along Street “A” as shown in Exhibit “A.”
- Construction of a 200-square-foot resting area in Pocket Park 1 with benches, signage, and trash receptacle, as shown in Exhibit “A.”

The Project would support the goals of the Walkable Communities section of the General Plan’s Mobility Element, which includes a city where walking/rolling is a viable travel choice, particularly for trips of less than one-half mile. Walkable communities offer public health benefits by providing opportunities for people to be active as a part of their everyday lives. The project would support this goal by incorporating landscaped non-contiguous sidewalks with street trees, shaded seating areas, and recreational amenities within the proposed pocket parks and parkways, and a multi-use trail adjacent to the non-contiguous sidewalk along 60th street, enhancing the pedestrian experience and encouraging active mobility within the community. The Project would also support the goals of providing a safe and comfortable environment, a complete, functional, and interconnected pedestrian network that is accessible to pedestrians of all ages and abilities by providing new walkways, adding streetlights to 60th Street, and providing a pedestrian connector to Emerald Hills Neighborhood Park located west of the Project site. Additionally, the proposed improvements to 60th Street and the pedestrian connection to Old Memory Lane would provide a connection to the Metropolitan Transit System (MTS) bus stop for Route 917 located near the intersection of Kelton Road and Roswell Street, approximately a half-mile southwest of the project site.

Policy ME-A.2 focuses on implementing safe pedestrian routes that connect residential areas to schools, transit, and other highly frequented destinations. The implementation of safe pedestrian routes includes supporting needed improvements such as wider and non-contiguous sidewalks, more visible pedestrian crossings, traffic enforcement, traffic calming, street and pedestrian lighting, pedestrian trails, and educating children on traffic and bicycle safety. Additionally, Recreation Element Policy RE-D. 6. a., encourages the provision of safe and convenient pedestrian and bicycle paths connecting recreation facilities to residential areas. As previously described, the project would provide a connection to Old Memory Lane, which has an existing sidewalk that connects to the Emerald Hills Neighborhood Park and the Johnson Magnet School located west of the Project site. The Project proposes streetlights at regular intervals along the proposed residential local streets “A” through “D” and new streetlights along 60th Street, which would provide improvements to streetlighting for pedestrian safety. The Project would further support this policy by providing a new non-contiguous sidewalk and a multi-modal trail fronting the project site adjacent to 60th Street. The multi-modal trail will be maintained by the property owner and will be publicly accessible through a recorded public access easement.

The Project would provide connectivity to the existing public right-of-way along 60th Street, east of the project site, which would connect to the existing sidewalks along 60th Street located north and south of the Project site. The existing sidewalks located north and south of the project site along 60th Street ultimately connect to trail heads for the Chollas Radio System Open Space to the north and the Radio Canyon Open Space to the south of the Project site. Additionally, the Project aligns with Policy ME-A.7, which promotes pedestrian-oriented design in both public and private projects to improve walkability. The Project, as previously described, would support this policy through the proposed pedestrian and multi-modal improvements.

The Project would be consistent with the Residential Urban Design section of the Community Plan by proposing several floor plan options and building façade design options for the development that would use staggered setbacks, varied building heights, shapes and orientations with varying façade designs that include protected front porches and entryways that face the public street consistent with Policies P-UD-21 and P-UD-23. Additionally, the proposed development would be consistent with Policy P-UD-22 by proposing a street network that is similar to the established street network of the surrounding neighborhood through the provision of non-contiguous pedestrian-friendly sidewalks that would provide street lighting, landscaped parkways and street trees in conformance with the applicable regulations while providing a linkage to existing pedestrian walkways along 60th street and Old Memory Lane.

The Project respects the natural topography of the site by proposing 7.95 acres as private open space areas to be maintained by a homeowner's association (HOA), including areas for landscaping, recreational use, and stormwater retention basins (bio-filtration basin). Portions of the existing slopes at the perimeter of the project site would be part of the HOA-maintained open space areas, which would provide a buffer between the existing homes on adjacent properties and the new dwelling units. The Project would include four pocket parks with various pedestrian amenities, including benches, picnic tables, gardens, shade areas, and concrete walkways providing a connection to the network of sidewalks within the Project site and a linkage to the established walkways along 60th Street and Old Memory Lane. The Project would include 12-foot-wide parkways constructed around internal public circulation roads, providing mobility and recreational opportunities for pedestrians and bicyclists within the Project site. Additionally, it would offer connectivity to recreational sites and open space areas within the community by connecting to 60th Street and Old Memory Lane. By implementing open space and pedestrian amenities, the Project would comply with the goals and policies of the General Plan's Mobility and Recreation Elements, as well as the Community Plan's Mobility, Urban Design, and Recreation Elements.

The Project would support with the City's General Plan Recreation Element Policy RE-A.7, which promotes sustainable park design and development by encouraging water and energy conservation, low-maintenance landscaping, and consideration of local environmental conditions. The Project achieves this by incorporating landscaped areas and pocket parks designed with sustainability in mind, featuring shaded areas and native or low-maintenance landscaping materials and vegetation.

The Project would also support the Community Plan, Urban Design Element Policy P-UD-5, which calls for the creation of well-defined open spaces and common areas through building form that arranges dwelling units around a central, common and usable open space. The Project would incorporate this policy by integrating four pocket parks strategically integrated into the site design. These pocket parks serve as focal points for community engagement and provide amenities such as benches, picnic tables, gardens, and shaded areas. Additionally, the parks are connected by a network of concrete walkways that connect to the network of non-contiguous sidewalks that are part of the internal circulation for the Project site. These design features ensure that open spaces are accessible, inviting, and serve as key gathering areas for the community. The Project incorporates features such as tree-lined sidewalks, landscaped parkways and streetlighting, which would promote walkability and contribute to a visually appealing streetscape that enhances the character of the neighborhood. The proposed pocket parks and walkways would be available for the community and would support the General Plan Environmental Justice Policy EJ-C.1, which seeks to improve and diversify opportunities for play in public spaces for people of all age groups, genders, and abilities, and Policy EJ-C.3, which calls for the design of public spaces to be inclusive, equitable, and accessible to children of all ages, genders, and abilities, and their caregivers.

Furthermore, the Project would support the General Plan, Land Use and Community Planning Element, Policy LU-C.4, which directs the city to "Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums of applicable plan designations." The Project would propose density that is consistent with the Community Plan residential land use designation of Residential Very Low, which allows a density range of zero to four dwelling units per acre (0-4 du/ac). As previously described the proposed density would be 3.94 dwelling units per acre (du/ac), consistent with the density range of the Community Plan. The Project would ensure the site is developed to maximize housing opportunities while respecting the community character and the established land use designation of the Community Plan.

The Project would support the City's General Plan Environmental Justice Element by meeting the goal of providing safe and healthy homes for people

of all age groups, genders, and abilities to thrive in their communities by providing quality housing that would consist of new construction that conforms to current building codes and engineering standards. Conformance with current building codes would include conformance with the current California Energy Code and California Green Building Standards Code by incorporating energy-efficient lighting, appliances, windows, and additional sustainable design features such as water-efficient landscaping and plumbing fixtures.

By proposing affordable housing through the utilization of applicable regulations of the SDMC, the Project would support Housing Element Policies HE-I.7 and HE-M.5 by proposing affordable housing mixed in with market-rate housing and various plan options, thus supporting diversity in housing types, especially affordable and family housing including the provision of housing for large families. Specifically, the Project is conditioned to include 13 on-site for-sale affordable dwelling units for moderate-income households with an income at or below 100 percent of the Area Median Income (AMI). By supporting the housing element goals and policies referenced above, the Project would address environmental justice issues that include the provision of affordable housing, addressing substandard living conditions and improved access to parks and schools.

Furthermore, the Project aligns with Environmental Justice Policy EJ-C.1, which seeks to improve and diversify opportunities for play in public spaces for people of all age groups, genders, and abilities, and Policy EJ-C.3, which calls for the design of public spaces to be inclusive, equitable, and accessible to children of all ages, genders, and abilities, and their caregivers. The Project supports these goals by integrating four pocket parks with diverse amenities such as benches, picnic tables, gardens, and shaded areas, creating inclusive and accessible recreational opportunities for people of all ages and abilities that are accessible to all members of the public. The Project also enhances connectivity and accessibility for all residents through the inclusion of pathways, parkways, and open spaces designed to link the site's recreational features with the surrounding community. The General Plan includes a commitment to creating and maintaining economically and socially diverse communities, which can be achieved by providing a mix of housing types that are suitable for households of various income levels. The General Plan's Housing Element identifies policies to help the City meet the regional housing needs allocation (RHNA) targets including designating land for a variety of residential densities to meet housing needs for a variety of household sizes, and encouraging location- and resource-efficient development whereby housing is located near employment, shopping, schools, recreation, transit, and walking/bicycling infrastructure.

Finally, the Project will comply with the General Plan's Housing Element and the City of San Diego's need to accommodate forecasted increases in population and housing needs. According to the San Diego Housing

Commission, it is estimated that the City could fall short of its 2010-2020 RHNA goals (as set by San Diego Association of Governments pursuant to state mandate) by as much as 50,000 units, based on past and current housing production trends. The housing units proposed by the Project would help to meet the existing and projected RHNA targets including designating land for a variety of residential densities to meet housing needs for a variety of household sizes and encouraging location- and resource-efficient development whereby housing is located near employment, shopping, schools, recreation, transit, and walking/bicycling infrastructure. The Project will contribute to the diversity of the region by providing new aesthetically pleasing housing options at varying price points. The range in housing, including on-site affordable housing, will provide community members with an opportunity to live near recreational amenities and approximately one mile from the regional transit hubs, which include the Encanto Trolley Station and the Euclid Avenue Station. Therefore, the proposed Project and its design or improvement will not adversely affect the applicable land use plan.

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

The Project is described in Finding A.1.a. above, incorporated herein by reference. The Project site is located approximately 6.1 miles east of the San Diego International Airport (SDIA) in the Airport Land Use Compatibility Plan (ALUCP) Airport Influence Area (AIA) (Review Area 2). The Project site is not located within any ALUCP Safety Zones or ALUCP noise contours. The Project would be consistent with all applicable land use plan, policies and regulations; therefore, no impact to airport safety would occur. The Project has been designed to minimize alterations to natural landforms and the development footprint has been located to minimize erosion, flood and fire hazards.

A site-specific Preliminary Geotechnical Evaluation and Preliminary Geotechnical Evaluation Addendum were prepared for the project by GeoTek, Inc. (Geotek, 2023b; Geotek, 2023a). The Geotechnical Evaluation notes that the Project site is not located in a seismically active region, and no active fault is known to exist at the site. The nearest known active fault is located approximately 4.5 miles southwest of the Project site. The Project would be required to comply with the recommendations provided in the project-specific Geotechnical Evaluation. The liquefaction potential and seismic settlement potential on the Project site is considered negligible due to the apparent density of the underlying formation and lack of a shallow groundwater table. Additionally, the Geotechnical Evaluation concludes that the potential for landslides and rockfall is considered low. Therefore, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground

shaking, seismic-related ground failure, including liquefaction, landslides, or similar hazards.

The Project would involve grading activities that would expose and disturb soils. Therefore, the Project would have the potential to increase localized soil erosion during construction. A Project-specific stormwater pollution prevention plan (SWPPP) would be required prior to grading, which would identify and implement an effective combination of erosion control and sediment control measures (i.e., Best Management Practices [BMPs]) to reduce or eliminate discharge to surface water from stormwater and non-stormwater discharges. Short-term erosion and sedimentation impacts would be addressed through conformance with applicable elements of the City's stormwater program and related National Pollutant Discharge Elimination System (NPDES) requirements. Specifically, this would entail conformance with applicable City regulatory codes as well as the NPDES Construction General Permit. A drainage Study was prepared for the Project by Hunsaker and Associates (May 31, 2024), and the study concluded that post-development drainage for the Project site would not result in a significant increase in runoff, and there would be no negative impacts to downstream drainage facilities.

The Project would include the implementation of three on-site water quality/hydromodification basins, along with their associated storm drain systems. The attenuation provided by the hydromodification basins would result in a reduction of flow compared to existing pre-development conditions. Further, the Project's proposed landscaping is designed to control erosion after completion of the Project's construction phase. Therefore, with adherence to existing regulations and requirements, there would be a less-than-significant impact related to erosion and flood hazards during construction and operation of the Project.

The Project site would include an emergency vehicle access road at the western edge of the Project site connected to Old Memory Lane. The Project will provide access to the site by emergency vehicles, including fire apparatus and will provide fire hydrants throughout the Project site in conformance with the City's Fire and Rescue Department requirements. The Project has been reviewed by the City's Fire and Rescue Department for conformance with local and State Fire Code requirements, including provision of fire hydrants, fire flow requirements, and street/aerial access for emergency vehicles. Additionally, prior to the issuance of permits for construction the project will be reviewed for conformance with requirements of the current California Building Codes including the California Fire Code.

An Environmental Impact Report (EIR) Addendum was prepared for the Project in accordance with the CEQA Guidelines. The EIR Addendum determined that there are no significant environmental effects associated

with the Project that were not analyzed as significant effects in the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates Project Program EIR (PEIR) No. 386029/State Clearinghouse (SCH) No. 2014051075, which was certified by the City Council on December 2, 2015, via Resolution No. 310077. The PEIR indicated that direct significant impacts to the following issues would be substantially lessened or avoided if all the proposed mitigation measures recommended in the PEIR were implemented: land use, biological resources, hydrology and water quality, historical resources, paleontological resources, and geology and seismic hazards. The PEIR concluded that significant impacts related to transportation, air quality, and noise would not be fully mitigated to below a level of significance. With respect to cumulative impacts, implementation of the PEIR would result in significant air quality and greenhouse gas (GHG) impacts, which would remain significant and unmitigated.

Overall, based on the foregoing analysis and information, the Project is within the scope of the analysis of the PEIR, and there is no evidence that the Project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from those described in the PEIR. The Project would be required to implement the Mitigation, Monitoring, and Reporting Program (MMRP), which includes the applicable mitigation measures outlined within the MMRP of the previously certified PEIR and the Project-specific technical studies. The specific Project-related MMRP issue areas include Biological Resources and Paleontological Resources. Environmental review of the project did not identify significant impacts that would be detrimental to public health, safety and welfare.

The proposed Project was reviewed by City Staff and determined to be in conformance with the SDMC, including the allowed incentives and waivers to the SDMC regulations. The Project must satisfy the conditions of approval of Vesting Tentative Map No. PMT-3262907, Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605, and Neighborhood Use Permit No. PMT-3286476, to achieve compliance with the regulations of the SDMC. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. Permit requirements include submitting an updated geotechnical report that addresses the construction plans; obtaining an Encroachment Maintenance Removal Agreement (EMRA) for all private storm drain systems and connections, landscape and irrigation located in the public right-of-way; assuring, by permit and bond, the design and construction of all required public water and sewer facilities; and installation of private back flow prevention devices. Prior to issuance of any building permit, grading permit, and public improvement permit for the proposed Project the associated construction plans and specifications shall be reviewed by City staff to

ensure compliance with all building, electrical, mechanical, plumbing and fire code requirements, and the Owner/Permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction would be enforced through building inspections completed by the City's building inspectors. Therefore, the design of the proposed development will not be detrimental to the public health, safety, and welfare.

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

The Project is described in the findings above, incorporated herein by reference. The proposed Project is utilizing the zoning regulations of the RS-1-7 zone, which allows a minimum lot size of 5,000 square feet. Utilization of the RS-1-7 zone regulations is in accordance with SDMC Section 131.0431, Table 131-04D, Footnote 7. The project was deemed complete on December 6, 2023, which is prior to the repeal of Footnote 7 from Table 131-04D by Ordinance No. O-21934 N.S. The repeal of Footnote 7 took effect on April 24, 2025. Therefore, the proposed project complies with the applicable zoning and development regulations of the Land Development Code (LDC), except where deviations are allowed as development incentives and waivers for the provision of affordable housing in accordance with the Affordable Housing Regulations of SDMC Chapter 14, Article 3, Division 7. The Project is requesting the following deviations in the form of one incentive and five waivers in accordance with SDMC Section 143.0740 and Table 143-07C for moderate-income households:

Proposed Incentive/Waiver		
Development Regulation	Required/Allowed	Proposed
Fence Height – General Fence Regulations for all zones (Incentive)		
SDMC 142.0310(c)(1)(A) Solid fences located on the front or street side property line of residential lots.	<u>Front side maximum:</u> Three feet (3'-0") in height, except as provided in Section 142.0310(c)(1)(C).	Fences of six (6) feet in height located on the street side property line for the following lots: 9, 53, 78, 81, 95, 102, 103 and 111.
*Where a fence height deviation is being requested, the height shall not exceed three feet (3'-0") in height within Visibility Areas in accordance with SDMC Section 142.0310(b).	<u>Street-side maximum:</u> Three feet (3'-0") in height, except as provided in Section 142.0310(c)(1)(C).	Within the referenced lots, fences shall not exceed three feet (3'-0") in height within the Visibility Areas shown on the Exhibit "A," in accordance with SDMC Section 142.0310(b).
Minimum Street Frontage (Waiver)		

Proposed Incentive/Waiver		
Development Regulation	Required/Allowed	Proposed
SDMC Table 131-04D, Minimum Lot Dimensions, Street frontage for residential zones.	<u>Minimum Street Frontage:</u> 50 feet (50'-0") within the RS-1-7 (Residential-Single Unit) zone.	Minimum street frontage will range from 37 feet to 49 feet for the following lots: 1-8, 10, 11, 14-42, 45-52, 54, 57, 58, 60, 61, 72-79, 82, 83, 85, 87-97, 104, 105, 113-122, as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
Minimum Lot Dimensions (Waivers)		
SDMC Table 131-04D, Minimum Lot Dimensions, Lot Width for residential zones.	<u>Minimum Lot Width:</u> 50 feet (50'-0") within the RS-1-7 zone.	Minimum lot width will range from 45 feet (45'-0") to 49 feet (49'-0") for the following lots: 4-7, 10-15, 33-37, 45, 51, 52, 54, 57, 58, 60, 61, 82, 83, 85, 92-97, 112-116, 121 and 122, as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
SDMC Table 131-04D, Minimum Lot Dimensions, Lot Width (Corner Lot) for residential zones.	<u>Minimum Lot Width (Corner Lot):</u> 55 feet (55'-0") within the RS-1-7 zone.	Minimum lot width (Corner Lot) will range from 48 feet (48'-0") to 54 feet (54'-0") for the following lots: 9, 53, 78, 81, 95 and 111, as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
SDMC Table 131-04D, Minimum Lot Dimensions, Lot Depth for residential zones.	<u>Minimum Lot Depth:</u> 95 feet (95'-0") within the RS-1-7 zone.	A lot depth of 93 feet (93'-0") for lots 110 and 111 as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
Driveway Curb Opening (Waiver)		
SDMC section 142.0560(j)(3) for driveway openings. Reference: City of San Diego Standard Drawing SDG-164 Driveway	In accordance with City of San Diego Standard Drawing SDG-164, Note 2 states the following:	22-foot (22'-0") driveway curb opening (16-foot-wide driveways with a 3-foot flare on each side) for lots: 1-61, 71-83, 85-97, 99-101, 104-108 and 112-123.

Proposed Incentive/Waiver		
Development Regulation	Required/Allowed	Proposed
Location and Width Requirements.	Not more than 40-percent of the property frontage on residential lots may be allocated for driveway curb openings.	107 of the 123 residential lots in this subdivision would exceed the 40-percent maximum driveway curb opening width.

The requested incentive and waivers are necessary to allow the development of 123 lots for residential dwelling units in accordance with the maximum allowed residential density designation of the Community Plan. The Project would benefit the Encanto Community by providing new for-sale housing, including affordable housing opportunities, while maintaining consistency with the residential density designation of the Community Plan for the Project site.

Without the requested incentive and waivers, the regulations would impact the developable area of the proposed lots, and the Project would not be able to maximize the number of residential dwelling units. The proposed incentive and waivers would allow for a Project with a site layout and building designs that are consistent with the goals and policies of the Community Plan and maximize the development potential, versus a project that, if designed in strict conformance with the development regulations of the applicable zone, would limit the site layout and reduce the density of development. A project designed in strict conformance with the regulations would result in a reduction of the number of proposed lots, potentially resulting in a decrease of 8 to 14 lots and a corresponding reduction in the proposed open space areas and pocket parks within the project site. Additionally, if designed in strict conformance with the regulations, the site layout could potentially extend further into the proposed open space areas, thus requiring additional grading and further impacting the natural topography of the site. The proposed incentive and waivers would allow the developer to implement the proposed pocket parks and open space areas, which include the detention basins serving the development and the open space buffers between the existing residential dwelling units and the proposed development that are currently part of the site layout. Additionally, if the project is designed in strict conformance with the regulations, the reduction in lots and dwelling units could potentially result in the reduction of up to two of the proposed affordable dwelling units for the project.

The requested incentive and waivers have been reviewed as they relate to the proposed Project and the impact on the surrounding neighborhood. The requested incentive and waivers are appropriate and will result in a Project

that efficiently utilizes the subject property and provides housing for a diverse and mixed population, housing near existing parks and recreational resources, and develop resource-efficient development located near schools, recreational resources, and walking/bicycling infrastructure, in conformance with the goals and policies of the Community Plan and the General Plan. Therefore, the proposed development will comply with the regulations of the LDC, including any allowable incentives and waivers pursuant to SDMC Sections 143.0720(a), 143.0740, 143.0743 and Table 143-07C that are appropriate for this location.

II. Supplemental Findings - Environmentally Sensitive Lands (SDMC 126.0505(b))

- 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 is described in the findings above, incorporated herein by reference. The Project would involve the development of 123 residential single dwelling unit lots and seven (7) private open space lots on an approximately 31.18-acre site. The Community Plan designates the land use for the Project site as Residential – Very Low for a density of zero to four dwelling units per acre (0-4 du/ac) where the Project is proposing a residential density of 3.9 du/ac in conformance with the maximum allowed density. Under existing conditions, the Project site contains a radio transmitter facility, which includes a 7,050-square-foot (SF) transmitter building, two broadcast towers and associated site improvements built between 1948 and 1949.

In accordance with Mitigation Measure MM-BIO-1 and MM-BIO-2 of the Mitigation Monitoring and Report Program (MMRP) for the Southeastern San Diego and Encanto Neighborhoods Community Plan Project Program Environmental Impact Report (PEIR) No. 386029/SCH No. 2014051075 (certified by the City Council on December 2, 2015, via Resolution No. 310077), a site-specific Biological Technical Report (BTR) was prepared by Helix Environmental Planning (February 2025) which identified that most of the Project site contains Environmentally Sensitive Lands (ESL) in the form of non-native grassland, which have historically been regularly cleared, mowed or grazed dating back through 1953 and small patches of disturbed native habitat in the form of Diegan Coastal Sage Scrub (disturbed). The BTR identified two special-status plant species, small-flowered morning glory and decumbent goldenbush, that were observed within the project site; neither species is federally, or state listed or listed as a narrow endemic. No animal species were detected or are known to breed within the project site. Because the identified plant species do not occur in unusually high concentrations on-site, no mitigation measures are proposed other than the habitat mitigation that is required as part of the site-specific

EIR Addendum Mitigation Measure MM-BIO-2 for the impacts to habitat further described below. The BTR references a slope analysis of the site prepared by Hunsaker & Associates (2023), which determined that there are no steep hillsides on-site; thus, the project is not subject to identification as ESL in the form of steep hillsides.

The Project site is not located within or adjacent to the City's Multi-Habitat Planning Area (MHPA). The nearest MHPA is located approximately 278 feet to the south, beyond two rows of houses on either side of Old Memory Lane, and approximately 316 feet to the northwest of the site, across Emerald Hills Park. Thus, the Project would not result in impacts to sensitive habitats located within the MHPA.

The Project would be required to comply with federal, state, and City regulations as well as implementation of Mitigation Measures from the Community Plan Update PEIR included in the Project specific MMRP. The Project includes a BTR that identified and analyzed potential impacts related to the development. The BTR identified that Cooper's hawk may nest on or adjacent to the site. However, the implementation of site-specific Mitigation Measure MM-BIO-1 would reduce impacts to Cooper's hawk to less than significant. A preconstruction nesting bird survey will be conducted to determine the presence of any nesting birds. Avoidance measures would be provided for nesting birds. Prairie falcon, a watch list species, has the potential to forage on site. Impacts to this species are not expected to be significant with the implementation of compensatory habitat mitigation provided as site-specific Mitigation Measure MM-BIO-2. Coastal California gnatcatcher is not expected on-site, and the nearest off-site MHPA with potential for this species starts more than 300 feet to the northwest on the other side of Emerald Hills Park. The Project site does not include California sagebrush or California buckwheat, which are favored by the coastal California gnatcatcher. Therefore, indirect noise impacts on breeding coastal California gnatcatchers located in the off-site MHPA would be considered less than significant. Implementation of site-specific Mitigation Measure MM-BIO-2 would reduce impacts to coastal California gnatcatcher habitat to less than significant. Coastal cactus wren is not expected on site, and the nearest coastal cactus wren record is located approximately one half-mile southwest of the Project site. No apparently suitable habitat for the coastal cactus wren, including cacti and native scrub vegetation, was observed on-site. Impacts to this species are expected to be less than significant.

A Crotch's bumble bee survey was conducted as part of the Project-specific BTR. The site was evaluated during the habitat assessment as having low potential for the species. No Crotch's bumble bee was observed during the focused surveys conducted on May 1, 3, 21 and on June 19, 2024. With the implementation of the site-specific mitigation measures, as required by PEIR MM-BIO-1, the Project would not result in a substantial adverse

impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species, and impacts would be less than significant.

Under existing conditions, the Project site does not contain wetland habitat. No features were observed on the Project site that would be considered Army Corps of Engineers Waters of the United States, CDFW Waters of the State, or City wetlands. No surface water flow or ponding water was observed on the site, and no evidence of water flow or ponding was observed. The Project would not impede the movement of any native, resident, or migratory fish or wildlife species or interfere with established native, resident, or migratory wildlife corridors. The Project site is currently surrounded by developed land and is not expected to provide for regional or localized wildlife movement. Wildlife may continue to use the Emerald Hills Branch of Chollas Creek in the MHPA to the west of the project site and Emerald Hills Park. Chollas Creek is known to provide dispersal of urban acclimated species.

In addition, the Project would not interfere with linkages identified in the City of San Diego Multiple Species Conservation Plan (MSCP) or the use of native wildlife nursery sites. Birds could move through the site; however, the species that would be likely to use the project site would be the same common, urban-adapted species that would use the adjacent residential development. Implementation of the Project would result in development on-site that is consistent with the Community Plan.

The Project would be developed in accordance with the Community Plan policies, which includes policies and goals that intend to remove invasive species within the Community Plan area (including the project site). An Environmental Impact Report (EIR) Addendum was prepared for the Project in accordance with the CEQA Guidelines. The EIR Addendum determined that there are no significant environmental effects associated with the Project that were not analyzed as significant effects in the PEIR.

The Project would result in a total of 0.4 acre of impacts to Diegan coastal sage scrub (disturbed), a Tier II habitat outside of the MHPA. The Project would also result in 29.2 acres of impacts to non-native grassland, a Tier IIIB habitat outside of the MHPA. Impacts to Tier II habitat would be mitigated at a 1:1 ratio, and impacts to Tier IIIB habitat would be mitigated at a 0.5:1 ratio for mitigation occurring inside of the MHPA. If mitigation were to occur outside the MHPA, it would be provided at mitigation ratios of 1.5:1 for Tier II habitat and 1:1 for Tier IIIB habitat.

As mitigation for impacts to 0.4 acre of Tier II habitat and 29.2 acres of Tier IIIB habitat, the Project shall provide compensatory habitat mitigation of at least 0.4 acre of Tier II habitat (or higher Tier) and 14.6 acres of Tier IIIB habitat (or higher Tier), in accordance with the mitigation measures of the

PEIR (previously described) and the associated Project EIR Addendum Mitigation Measure MM-BIO-2. Mitigation for impacts to Tier II and IIIB habitats could occur within the MHPA in Tiers I through III (out-of-kind), or outside of the MHPA within the affected habitat type (in-kind). Mitigation ratios assume all impacts are outside the MHPA and no narrow endemic species are present. Compensatory mitigation would be provided off-site within the MHPA at a site approved by the City. The proposed location for the required mitigation would be at parcels owned by the Poway Unified School District located in the East Elliot area near Spring Canyon, and/or an alternate site approved by the City, with the final mitigation package to be approved by the City before impacts. If the City were to approve some compensatory mitigation to occur outside the MHPA, it would be provided at mitigation ratios of 1.5:1 for Tier II habitat and 1:1 for Tier IIIB habitat. Prior to the issuance of construction or grading permits, the mitigation land will either be dedicated to the City in fee title, or protected by a recorded covenant of easement. In accordance with the required mitigation, impacts to Tier II and IIIB habitats would be reduced to a less-than-significant level.

The Project would be consistent with the General Plan Conservation Element and Community Plan Conservation and Sustainability Element by minimizing and mitigating impacts to environmentally sensitive lands. The Project will include a sustainable landscape design and maintenance that consists of a palette of plant species that conform to the City of San Diego Landscape Standards, including non-invasive vegetation and low-water-use plants. By utilizing non-invasive vegetation and low-water-use plants, the Project would support the Conservation Element policy CE-A.11 and the Community Plan Urban Design Policies P-UD-98 and P-UD-99.

A site-specific Preliminary Geotechnical Evaluation and Preliminary Geotechnical Evaluation Addendum were prepared for the project by GeoTek, Inc. (Geotek, 2023b; Geotek, 2023a). The Geotechnical Evaluation identified that the Project site is not located in a seismically active region, and no active faults are known to exist at the site. The nearest known active fault is located approximately 4.5 miles southwest of the Project site. The Project would be required to comply with the recommendations provided in the Geotechnical Evaluation. The liquefaction potential and seismic settlement potential on the project site are considered negligible due to the apparent density of the underlying formation and lack of a shallow groundwater table. Additionally, the Geotechnical Evaluation concludes that the potential for landslides and rockfall is considered low. Therefore, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, landslides, or similar hazards.

The General Plan designates the Project site for residential land uses. Additionally, the Community Plan designates the land use for the Project site as Residential – Very Low for a density of zero to four dwelling units per acre (0-4 du/ac). Surrounding land use includes residential and open space land uses to the north, residential land uses to the east, residential and open space land uses to the south, and residential and open space land uses to the west. The Project is consistent with the General Plan, Land Use and Community Planning Element LU-C.4, which directs the City to “ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums of applicable plan designations.” Therefore, the Project would comply with the zoning and land use designations for the site and is suitable for the siting and design of the proposed development.

Furthermore, the Project would be conditioned to prepare a Project-specific Stormwater Pollution Prevention Plan (SWPPP) prior to grading, which would identify and implement an effective combination of erosion control and sediment control measures (i.e., Best Management Practices [BMPs]) to reduce or eliminate discharge to surface water from stormwater and non-stormwater events.

As previously described, an EIR Addendum was prepared for the Project in accordance with the CEQA Guidelines. The EIR Addendum determined that there are no significant environmental effects associated with the Project that were not analyzed as significant effects in the PEIR. The Project would be required to implement a Project-related MMRP, which includes the applicable mitigation measures outlined within the MMRP of the previously certified PEIR and the Project-specific technical studies. The Project-related MMRP issue areas include Biological Resources and Paleontological Resources. Therefore, the Project is physically suitable for the design and siting of the proposed development and would 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.**

The Project is described in the findings above, incorporated herein by reference. Most of the Project site contains ESL in the form of non-native grassland, which have historically been regularly cleared, mowed or grazed dating back through 1953 and small patches of disturbed native habitat in the form of Diegan Coastal Sage Scrub (disturbed). Surrounding land use includes residential and open space land uses to the north, residential land uses to the east, residential and open space land uses to the south, and residential and open space land uses to the west.

Construction would involve grading activities that would expose and disturb soils. Therefore, the Project has the potential to increase localized soil erosion during construction. A Project-specific SWPPP would be required prior to grading, which would identify and implement an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate discharge to surface water from storm water and non-storm water discharges. Short-term erosion and sedimentation impacts would be addressed through conformance with applicable elements of the City's storm water program and related NPDES requirements. Specifically, this would entail conformance with applicable City regulatory codes as well as the NPDES Construction General Permit. The Project would include the implementation of three on-site water quality/hydromodification basins that would detain and control the flow of water from storm events prior to entering the storm drain systems.

The attenuation provided by the hydromodification basins would result in a reduction of flow compared to existing conditions, thus improving how stormwater runoff is managed in comparison to pre-construction conditions. By providing the referenced basins, the Project would support the Community Plan Conservation and Sustainability Policies P-CS-32 and P-CS-33 by incorporating Low-Impact Development (LID) practices that focus specific efforts to capture stormwater and slow runoff while absorbing pollutants. Furthermore, the Project's proposed landscape design includes erosion control measures to assist in controlling occurrences of erosion within the Project site. Therefore, with adherence to existing regulations and requirements, there would be a less-than-significant impact related to erosion and flood hazards.

The Project site is located within the Very High Fire Hazard Severity Zone (VHFHSZ) and adjacent to Fire Brush Management 100-foot Buffer Zones located at the northwest corner of the Project site near Emerald Hills Neighborhood Park and east of the Project site along 60th Street. Brush management is typically required on all premises that propose structures that are within 100 feet of native or naturalized vegetation. The Project site is surrounded by urban development and implementation of the Project would install standard fire safety features and construct buildings in compliance with the fire regulations in the California Building Code (CBC) in conformance with brush management regulations. Additionally, the Project would reduce unmaintained brush areas on the Project site. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

The Project site would include an emergency vehicle access road at the western edge of the Project site connected to Old Memory Lane. The Project will provide access to the site by emergency vehicles including fire apparatus and will provide fire hydrants throughout the Project site in conformance with the City's Fire and Rescue Department requirements.

The Project has been reviewed by the City's Fire and Rescue Department for conformance with local and State Fire Code requirements, including provision of fire hydrants, fire flow requirements, and street/aerial access for emergency vehicles. Additionally, prior to the issuance of permits for construction the project will be reviewed for conformance with requirements of the current California Building Codes including the California Fire Code. 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 hazard.

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

The Project is described in the findings above, incorporated herein by reference. The Project site is within the boundary of the City's MSCP Subarea Plan but is not located adjacent to or within the City's MHPA or any conserved lands. The site is located in the Encanto Neighborhoods Community Planning Area. Most of the Project site contains Environmentally Sensitive Lands (ESL) in the form of non-native grassland, which have historically been regularly cleared, mowed or grazed dating back through 1953 and small patches of disturbed native habitat in the form of Diegan Coastal Sage Scrub (disturbed). As previously described a site specific BTR was prepared for the Project. The BTR identified two special-status plant species, small-flowered morning glory and decumbent goldenbush, that were observed within the project site; neither species is federally, or state listed or listed as a narrow endemic. No animal species were detected or are known to breed within the project site. Because the identified plant species do not occur in unusually high concentrations on-site, no mitigation measures are proposed other than the habitat mitigation that is required as part of the site-specific EIR Addendum Mitigation Measure MM-BIO-2 for the impacts to habitat as previously described. As previously described, Project impacts would be mitigated off-site. The BTR references a slope analysis of the site prepared by Hunsaker & Associates (2023), which determined that there are no steep hillsides on-site; thus, the project is not subject to identification as ESL in the form of steep hillsides.

The Project site is surrounded by existing urban development, consisting of residential single-dwelling unit development to the north, south, east, and west of the Project site, Emerald Hills Park to the northwest, and Johnson Magnet School to the southwest. The Project site does not occur within a biological resource core area or habitat linkage identified in the City's MSCP Subarea Plan. The Emerald Hills Branch of Chollas Creek, to the west of the project site and Emerald Hills Park, is known to provide dispersal of urban-acclimated wildlife movement per the BTR. However, the Project site is surrounded by existing development and is not expected to provide for regional or localized wildlife movement. In addition, the Project would not interfere with linkages identified in the MSCP Plan or the

use of native wildlife nursery sites. For these reasons, the proposed Project would not interfere with habitat connectivity and wildlife corridors.

The Project site is not located within or adjacent to the City's Multi-Habitat Planning Area (MHPA). The nearest MHPA is located approximately 278 feet to the south, beyond two rows of houses on either side of Old Memory Lane, and approximately 316 feet to the northwest of the site, across Emerald Hills Park. Thus, the Project would not result in impacts to sensitive habitats located within the MHPA.

Project construction is expected to incorporate erosion control Best Management Practices (BMPs) per the City's standards, which would prevent impacts to downstream resources. Coastal California gnatcatcher is not expected on-site, and the nearest off-site MHPA with potential for this species starts more than 300 feet to the northwest on the other side of Emerald Hills Park. Therefore, indirect noise impacts to breeding coastal California gnatcatchers located in the off-site MHPA would be considered less than significant. Implementation of Mitigation Measure BIO-3 of the PEIR would reduce impacts to coastal California gnatcatcher habitat to less than significant.

As previously described in Finding A.2.a. above referenced herein, with the required mitigation, impacts to Tier II and IIIB habitats would be reduced to a less-than-significant level. The Project would therefore be consistent with the General Plan Conservation Element and Community Plan Conservation and Sustainability Element by minimizing and mitigating impacts to environmentally sensitive lands. As previously stated, the site is surrounded by existing urban development and would not have adverse impacts on any adjacent environmentally sensitive lands as none are present adjacent to the site and impacts to onsite environmentally sensitive lands are being addressed through mitigation as previously described.

- 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 is described in the findings above, incorporated herein by reference. The City of San Diego's MSCP Subarea Plan (Subarea Plan) was prepared pursuant to the general outline developed by the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDF&G) (herein referred to as the "wildlife agencies") to meet the requirements of the California Natural Communities Conservation Planning (NCCP) Act of 1992. The Subarea Plan forms the basis for the implementing agreement, which is the contract between the City and the wildlife agencies that ensures implementation of the Subarea Plan and thereby allows the City to issue take permits at the local level. This Subarea

Plan is also consistent with the MSCP plan and qualifies as a standalone document to implement the City's portion of the MSCP preserve.

The City of San Diego Multi-Habitat Planning Area (MHPA) was developed by the City in cooperation with the wildlife agencies, property owners, developers and environmental groups. The Preserve Design Criteria contained in the MSCP plan, and the City Council adopted criteria for the creation of the MHPA were used as guides in the development of the City's MHPA. The Multi-Habitat Planning Area delineates core biological resource areas and corridors targeted for conservation. Within the MHPA limited development may occur.

The Project site is surrounded by existing urban development, consisting of residential single-dwelling unit development to the north, south, east, and west of the Project site, Emerald Hills Park to the northwest, and Johnson Magnet School to the southwest. The Project site does not occur within a biological resource core area or habitat linkage identified in the City's MSCP Subarea Plan. The Emerald Hills Branch of Chollas Creek, to the west of the project site and Emerald Hills Park, is known to provide dispersal of urban-acclimated wildlife movement per the BTR. However, the Project site is surrounded by existing development and is not expected to provide for regional or localized wildlife movement. In addition, the Project would not interfere with linkages identified in the MSCP Plan or the use of native wildlife nursery sites. For these reasons, the proposed Project would not interfere with habitat connectivity and wildlife corridors. Additionally, the BTR did not identify any jurisdictional wetlands within the Project site.

The Project site is within the boundary of the City's MSCP Subarea Plan but is not located adjacent to or within the City's MHPA or any conserved lands. The nearest MHPA is located approximately 278 feet to the south, beyond two rows of houses on either side of Old Memory Lane, and approximately 316 feet to the northwest of the site, across Emerald Hills Park. Thus, the Project would not result in impacts to sensitive habitats located within the MHPA.

In general, the City's land use adjacency guidelines for land uses adjacent to the MHPA are intended to determine the project's potential to affect the MHPA, with respect to drainage, toxins, lighting, noise, barriers to incursion, invasive species, brush management, and grading/land development. The Project would not result in direct impacts to federally-, state-, or City-protected wetlands or vernal pools because none of these features occur on-site. Regardless of the Project not being adjacent to the MHPA, Project related construction is expected to incorporate erosion control Best Management Practices (BMPs) per the City's standards, which would prevent impacts to downstream resources. Therefore, the proposed

development will not have direct impacts to the City of San Diego's MSCP Subarea Plan and VPHCP.

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

The Project is not located near the coastline or any public beach. Construction of the Project would result in an increase in impervious surfaces on the site. However, the Project would include the implementation of three on-site water quality/hydromodification basins and associated storm drain systems. The attenuation provided by the hydromodification basins would result in a reduction of flow compared to existing conditions. Thus, the proposed development would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The Project is described in the findings above, incorporated by reference herein. While the Project site is not located within the Coastal Overlay Zone nor in proximity to the coastline or any public beach. The Project site is approximately four and a half miles inland from the shore of San Diego Bay, public beaches and the local shoreline. The project would implement construction and post-construction BMPs in compliance with the City Storm Water Manual and Regional Water Quality Control Board (RWQCB) regulations. Typical construction BMPs are anticipated to include silt fencing, gravel bag barriers, street sweeping, solid waste management, stabilized construction entrance/exits, water conservation practices, and spill prevention and control. The Project would also include operational BMPs by constructing an on-site biofiltration basin in order to remove pollutants from runoff. Additionally, the Project would implement source control and site design BMPs. Implementation of these BMPs, along with regulatory compliance, would preclude any violations of applicable standards and discharge regulations. The proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant.

The Project would 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 SWPPP shall be implemented concurrently with the commencement of grading activities. A SWQMP that includes storm water construction BMPs, ongoing permanent BMP maintenance, on-site biofiltration and hydromodification features, has been developed to maintain natural drainage features and minimize potential impacts to storm drain facilities. Any short-term erosion and sedimentation impacts associated with Project development would be addressed through

conformance with applicable elements of the City's stormwater program and related NPDES standards. Additionally, the Project would implement an approved SWPPP and related plans, and BMPs, including appropriate measures, to address erosion and sedimentation. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact the 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.**

The Project is described in the findings above, incorporated herein by reference. An EIR Addendum to PEIR No. 386029/SCH No. 2014051075 was prepared for the Project in accordance with Section 15164 of the CEQA State Guidelines. Further, use of the Addendum for the Project complies with CEQA Guidelines Section 15168(c). The PEIR identified significant environmental impacts to Air Quality, Transportation/Circulation and Noise that would be significant and unmitigated. The following issue areas were determined to be significant but mitigated to below a level of significance with mitigation: Land Use, Biological Resources, Hydrology/Water Quality, Historical Resources, Paleontological Resources, and Geology and seismic hazards. All other impacts analyzed in the PEIR were determined to be less than significant. With respect to cumulative impacts, implementation of the PEIR would result in air quality and GHG impacts that would remain significant and unmitigated. Because there were significant unmitigated impacts associated with the original project approval, the decision maker was required to make specific and substantiated "CEQA Findings" which stated: (a) specific economic, social, or other considerations which make infeasible the mitigation measures or project alternatives identified in the PEIR, and (b) the impacts have been found acceptable because of specific overriding considerations.

Because there are no new or more significant impacts that were not already addressed in the previous certified PEIR, new CEQA Findings and or Statement of Overriding Considerations are not required. The proposed Project would not result in any additional significant impacts, nor would it result in an increase in the severity of impacts from those described in the previously certified PEIR. The Project shall be required to comply with applicable mitigation measures outlined within the MMRP of the previously certified PEIR and the project-specific subsequent technical studies. The MMRP for the scope of this Project identifies the following measures that specifically apply to this project: Biological Resources and Paleontological Resources. Implementation of the MMRP would mitigate impacts to Biological Resources and Paleontological Resources to below a level of significance. The MMRP has been developed in compliance with Section 21081.6 of CEQA.

The other issue areas identified in the PEIR included: Land Use, Hydrology/Water Quality, Historical Resources, and Geology and Seismic hazards, which were determined to be significant but mitigated to below a level of significance with the MMRP for the PEIR. The Project addressed the following issue areas through implementation of Mitigation Measures from the PEIR and conformance with current regulations:

- Land Use: PEIR Mitigation Measure MM-LU-2 would serve to reduce impacts on MHPA lands to below levels of significance.
- Hydrology/Water Quality: In accordance with PEIR Mitigation Framework MM-HYD/WQ-1, the Project was required to prepare a project-specific Drainage Study (Hunsaker & Associates, 2024a) to analyze the project-related impacts and found the project conforms to the land use configurations and intensities identified in the PEIR. In accordance with Mitigation Framework MM-HYD/WQ-1, a SWQMP has been prepared by Hunsaker & Associates, which includes construction and operation BMPs that would prevent pollutant discharge to receiving waters. Additionally, the Project would be subject to applicable policies included in the 2015 CPUS PEIR. Further, the Project would be subject to the 2015 CPUS PEIR Mitigation Framework MM-HYD/WQ-2, which requires regulatory compliance with the standards outlined in the City of San Diego Drainage Design Manual and would be required to fully meet the City of San Diego Storm Water Standards in effect at the time of approval. The Project is within the scope of the analysis of the PEIR and there is no evidence that the Project would require a major change to the PEIR. The Project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.
- Historical Resources: A Historical Resources Technical Report (HRTR, Appendix B), authored by Brian F. Smith and Associates (BFSA) and dated January 31, 2024, was prepared for the Project site (BFSA, 2024a)(BFSA, 2024b). As noted in the HRTR, the existing structures on the Project site were not found to be significant under Historic Resources Board (HRB) criteria. Thus, the Project would not result in a conflict with the Historical Resources Regulations and impacts would be less than significant.
- Geology and Seismic hazards: In accordance with the PEIR Mitigation Framework MM-GEO-1, a site-specific Preliminary Geotechnical Evaluation and Preliminary Geotechnical Evaluation Addendum were prepared for the Project by GeoTek, Inc. (Geotek, 2023b; Geotek, 2023a). The Geotechnical Evaluation notes that the Project site is not located in a seismically active region, and no active fault is known to exist at the site. Additionally, the site is not

situated within an Alquist-Priolo Earthquake Fault Zone or a Special Studies Zone. The nearest known active fault is located approximately 4.5 miles southwest of the Project site. The Project would be required to comply with the recommendations provided in the Project-specific Geotechnical Evaluation. Therefore, based on the foregoing analysis and information, the Project is within the scope of the analysis of the PEIR and there is no evidence that the Project would require a major change to the PEIR. The Project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

Additionally, as previously stated, the PEIR identified significant impacts to Air Quality, GHG, Transportation/Circulation and Noise that would be significant and unmitigated. Regarding Air Quality, the Project is within the scope of the analysis of the PEIR, and there is no evidence that the Project would require a major change to the PEIR. The Project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from those described in the PEIR. To address GHG impacts, the Project complies with the Climate Action Plan (CAP) Regulations adopted in 2022 as part of the City's CAP Update. Because the City's CAP was prepared in compliance with CEQA Section 15183.5 and is intended to achieve the City of San Diego's share of Statewide GHG reduction targets, the Project's demonstrated compliance with the CAP indicates that a less-than-significant GHG impact would occur related to compliance with planning policies and regulations. No new impact would occur in comparison to the GHG analysis presented in the PEIR.

Regarding Transportation/Circulation, a Project-specific Vehicle Miles Traveled (VMT) Analysis was prepared (Urban Crossroads, 2024d) to evaluate the Project's potential to impact the surrounding circulation network and to determine whether the Project's impacts are within the scope of the PEIR. The VMT Analysis was prepared in accordance with the City's current Transportation Study Manual (TSM). The Project would address transportation impacts by providing and maintaining the following VMT reduction measures, which would be completed and operational prior to first occupancy:

- Install one bike repair station in Pocket Park 1 in the location shown in Exhibit "A."
- Provide eight (8) trees with 20 feet spacing along Street "A" as shown in Exhibit "A."
- Construct a 200-square foot resting area in Pocket Park 1 with benches, signage, and trash receptacle, as shown in Exhibit "A."

Regarding Noise impacts, in accordance with the PEIR Mitigation Framework MM-NOS-3, a site-specific Noise Study (Urban Crossroads, 2024c) of on-site generated noise uses was conducted, which found that the Project would result in less-than-significant impacts and no site-specific mitigation would be required. Furthermore, the project would be required to comply with the PEIR Mitigation Framework MM-NOS-4, which requires projects that exceed daily construction noise thresholds to use best construction management practices to reduce construction noise levels. Overall, based on the analysis and information, the Project is within the scope of the analysis of the PEIR, and there is no evidence that the Project would require a major change to the PEIR. The Project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from those described in the PEIR. 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.

III. Supplemental Findings - Supplemental Findings - Public Right-of-Way Encroachments (SDMC 126.0505(m)):

- a. The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant written permission to maintain the encroachment on their property.**

The Project proposes the following encroachments within the public right-of-way (ROW):

- A retaining wall within the easterly side of the 60th Street ROW, from Dipper Street to north of Upland Street, which is necessary to provide the required sight distance in conformance with applicable regulations for the intersection of 60th Street and the proposed Street 'A', which is the primary entrance to the Project site. This wall requires a Site Development Permit (SDP) pursuant to SDMC Section 129.0710(b), because the proposed encroachment is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the encroachment will be located. The retaining wall would allow for the elevation of 60th Street to be raised thus extending the line of sight for vehicles as they approach the apex of the roadway and the proposed intersection. The wall proposed within the public right-of-way on the east side of 60th Street would be a City asset, and the City would be responsible for maintenance of the retaining wall;
- A retaining wall in the northeastern corner of the Project site extends approximately 10 feet east into the proposed 60th Street ROW and extends approximately 10 feet north beyond the frontage of the

Project site. The retaining wall is necessary to minimize alteration of the existing topography while providing the necessary space for the proposed sidewalk along the Project's frontage and the transition to the existing sidewalk located north of the Project site within the 60th Street ROW, without significant grading within the adjacent property. This wall requires an SDP in accordance with SDMC Section 129.0710(b) for the portion of the wall that extends beyond the northern property line of the Project site and a Neighborhood Development Permit (NDP), pursuant to SDMC Section 129.0710(a), for the portion of the wall that fronts the Project site for the construction of a privately-owned structure or facility into the public ROW where the applicant is the record owner of the underlying fee title in accordance with SDMC Section 129.0710(a);

- A retaining wall in the southeastern corner of the Project site that extends approximately 10 feet east into the 60th Street ROW. The retaining wall is necessary to minimize alteration of the existing topography while providing the necessary space for the proposed sidewalk along the Project's frontage and the transition to the existing sidewalk located south of the Project site within the 60th Street ROW, avoiding grading within the adjacent property. This wall also requires an NDP for a privately-owned structure or facility into the public ROW where the applicant is the record owner of the underlying fee title in accordance with SDMC Section 129.0710(a); and
- Automatic gates located on-site within the public ROW of the proposed Emergency Vehicle Access (EVA) alley that connects Public Street "B" to the northwest terminus/cul-de-sac of Old Memory Lane adjacent to Emerald Hills Neighborhood Park, as shown on Exhibit "A." The proposed EVA alley would provide secondary access to the site in the event of an emergency.

The proposed retaining wall at the northeast corner of the project site would encroach approximately 10 feet into the 30-foot ROW dedication for 60th Street and approximately 10 feet north into the frontage of the adjacent property. The retaining wall would enable the connection of the proposed sidewalk improvements fronting the project site to the existing sidewalk located north of the project site, thereby maintaining the required sidewalk width in conformance with accessibility regulations and applicable City standards and regulations. By constructing the connection to the existing sidewalk, the proposed improvement would support the Community Plan Mobility Element Policy P-MO-16, helping provide a complete streets network throughout the community, safely accommodating all modes and users of the ROW. Project improvements would include a multi-modal trail

fronting the project site adjacent to the 60th Street ROW that would be privately maintained.

The retaining wall on the east side of 60th Street from Dipper Street to north of Upload Street improves the sight distance and safety in relation to the intersection of 60th Street and the proposed Street 'A', thus supporting the Community Plan Mobility Policy P-MO-19 of implementing focused intersection improvements to improve safety and operations for all modes.

The proposed retaining wall at the southeast corner of the project site would encroach approximately 10 feet into the 30-foot ROW dedication for 60th Street. The retaining wall would enable the connection of the proposed sidewalk improvements fronting the project site to the existing sidewalk located south of the project site, thereby maintaining the required sidewalk width in conformance with accessibility regulations and applicable City standards and regulations. By constructing the connection to the existing sidewalk, the proposed improvement would support the Community Plan Mobility Element Policy P-MO-16 described above.

The proposed Automatic Gates of the EVA alley would provide an alternate emergency access through the proposed residential development during an event requiring emergency response, while maintaining vehicular circulation control onto Old Memory Lane during normal conditions. The automatic gates would not prevent access to pedestrians or cyclists and would be conditioned by this permit to be readily operational through access control available to emergency services. The walls located on the west side of 60th Street and the automatic gates would require an Encroachment and Maintenance Agreement conditioned as a part of this permit.

The proposed encroachments are reasonably related to public travel and benefit a public purpose. Specifically, the encroachments are designed and located in a manner that maintains pedestrian mobility and maintains transportation circulation in conformance with applicable City engineering standards and would not obstruct, hinder, or endanger the safe passage of pedestrians, cyclists, or vehicles, with the exception that the automatic gates would be open to vehicular traffic when opened by emergency responders as previously described. Therefore, the proposed encroachments are reasonably related to public travel, benefit a public purpose, and maintenance of the encroachment will be provided as conditioned by this permit.

- b. The proposed encroachment does not interfere with the free and unobstructed use of the public right-of-way for public travel.**

The proposed public ROW encroachments are described in SDP finding A.3.a. above, incorporated by reference herein. The encroachments have been reviewed and conditioned to ensure compliance with applicable

Engineering standards, including minimum pedestrian and vehicular clearance requirements. The proposed encroachments have been designed and located in a manner that avoids obstruction to sidewalks, curb ramps, travel lanes, or visibility areas, and therefore maintains safe and accessible circulation for all users of the public ROW. Therefore, the proposed encroachments would not interfere with the free and unobstructed use of the public ROW for public travel.

c. The proposed encroachment will not adversely affect the aesthetic character of the community.

The Project and proposed public ROW encroachments are described in the findings above, incorporated by reference herein. As previously described, the proposed Project would contribute to the implementation of the goals and policies of the General Plan, the General Plan Mobility Element and the Community Plan. The proposed encroachments support the City's General Plan Urban Design Policy UD-A-2(b), which recommends that linkages to open space be preserved and encouraged to provide physical connectivity and access to open space and other destinations by connecting them with trail systems, bikeways, landscaped boulevards, formalized parks, and/or natural open space, as appropriate. The encroachments are within the public ROW and would assist in improving the connection to the existing Emerald Hills Open Space area and trails, located north of the project site, and the existing Radio Canyon Open Space and trails, located south of the project site by providing public ROW improvements along 60th Street consisting of a new non-contiguous sidewalk consistent with current City standards along the project frontage and by assisting in minimizing the alteration of the existing topography and the impact to adjacent properties along the 60th Street ROW. Additionally, associated Project improvements would include a privately maintained multi-modal trail along the project frontage adjacent to the 60th Street public ROW, which would provide an alternate mobility option separated from vehicular lanes. The encroachments along the west side of 60th Street will be part of public ROW improvements that as previously mentioned includes a non-contiguous sidewalk that includes the installation of street trees and parkway landscaping which will improve the aesthetic character of 60th Street.

As previously described, the retaining wall on the east side of 60th Street from Dipper Street to north of Upload Street is necessary to provide the required sight distance in conformance with applicable regulations for the intersection of 60th Street and the proposed Street 'A'. The retaining wall would allow for the elevation of 60th Street to be raised, thus extending the line of sight for vehicles as they approach the apex of the roadway and the proposed intersection. The proposed retaining wall will be located within the public ROW on the east side of 60th Street and will become a City asset, thereby becoming subject to City maintenance once constructed and accepted by the City. Therefore, the proposed retaining wall would support

the Community Plan Mobility Policy P-MO-19 of implementing focused intersection improvements to improve safety and operations for all modes. These improvements will also improve the community character by providing new curb and gutter associated with the proposed retaining wall and a vehicular rail that matches the existing railing along the east side of 60th Street.

The proposed encroachment for the vehicular gates associated with the EVA alley providing the emergency vehicle connection on the west side of the site to Old Memory Lane will provide public ROW improvements to include a new sidewalk and curb and gutter on the north side of the alley thus providing a pedestrian connection from the proposed development to Emerald Hills Park and a community connection from Old Memory Lane to the proposed development which includes the four pocket parks that are conditioned to be publicly accessible. Thus the improvements associated with the EVA alley encroachment will provide visual improvements to the community.

The proposed encroachments would improve the visual character of the community by providing pedestrian, multi-modal and public ROW improvements, including a landscaped parkway with new streetlighting where they currently do not exist, specifically fronting the Project site within the 60th Street ROW. Therefore, the proposed encroachments will not adversely affect the aesthetic character of the community

d. The proposed encroachment does not violate any other Municipal Code provisions or other local, state, or federal law.

The proposed public ROW encroachments are described in the SDP findings above, incorporated by reference herein. Vehicular, pedestrian, and utility access are expected uses within public ROW. The proposed encroachments are allowed by the Municipal Code with approval of the appropriate permits. The Project was reviewed for conformance with all applicable laws and must be designed, constructed and maintained to the satisfaction of the City Engineer. Therefore, the proposed encroachment does not violate any other Municipal Code provisions or other local, state, or federal law.

e. For coastal development in the coastal overlay zone, the encroachment is consistent with Section 132.0403 (Supplemental Use Regulations of the Coastal Overlay Zone).

The Project site is not located within the Coastal Overlay Zone and this finding does not apply to the Project.

B. NEIGHBORHOOD DEVELOPMENT PERMIT - SDMC Section 126.0404

I. Findings for all Neighborhood Development Permits (SDMC 126.0404(a)):

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

As described in finding A.1.a. above, incorporated by reference herein, the proposed development will not adversely affect the applicable land use plan.

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

As described in finding A.1.b. above, incorporated by reference herein, 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.**

As described in finding A.1.c. above, incorporated by reference herein, the proposed development will comply with the applicable regulations of the LDC including any allowable deviations pursuant to the LDC.

II. **Supplemental Findings – Environmentally Sensitive Lands (SDMC 126.0404(b))**

- 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.**

As described in finding A.2.a. above, incorporated by reference herein, 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;**

As described in finding A.2.b. above, incorporated by reference herein, 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.**

As described in finding A.2.c. above, incorporated by reference herein, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

- 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).**

As described in finding A.2.d. above, incorporated by reference herein, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

- e. **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.**

As described in finding A.2.f. above, incorporated by reference herein, 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.

C. NEIGHBORHOOD USE PERMIT - SDMC Section 126.0205

I. Findings for all Neighborhood Use Permits (SDMC 126.0205(a)):

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

The Project is described in finding A.1.a. above, incorporated by reference herein. The Project includes the installation of a neighborhood identification sign which shall conform to the applicable regulations of SDMC Section 141.1102, Neighborhood Identification Signs. The proposed neighborhood identification sign shall have a maximum sign copy area of 20 square feet, shall be located at the southwest corner of Street "A" and 60th Street, and shall be constructed of masonry walls with brick veneer and cast concrete accents as shown on the Exhibit "A". The neighborhood identification sign requires the approval of a NUP. The proposed neighborhood identification sign would support the Community Plan Urban Design Policy P-UD-71 of accentuating key focal points, entrances, gateways and corners of a development with art, signs, special lighting, specimen trees and accent plant materials. The proposed sign would accentuate the primary entrance to the proposed development with a neighborhood sign with low-intensity ground-mounted lighting with materials that are complementary to the building materials used for the development of the residential dwelling units. Additionally, the Project entry would include a variety of Street trees at the entrance to the Project site that accentuate and provide a preview of the landscape palette and design provided within the Project site. Therefore,

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

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

The proposed Project is described in finding A.1.a and A.1.b. above, and further described in NUP finding C.1.a above, incorporated by reference herein. The proposed neighborhood identification sign will be located outside of the visibility triangles required in accordance with the applicable regulations, and landscaping within the entry to the project site would also be conditioned to be privately maintained to maintain the visibility sight lines at the intersection of 60th Street and Street "A" as shown on Exhibit "A". 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 proposed Project is described in finding A.1.a, A.1.b. and A.1.c. above, and further described in the NUP findings above, incorporated by reference herein. As previously described, the Project proposes a Neighborhood Identification Sign at the Project's entry from 60th Street. The proposed development would be in accordance with the applicable zoning and development regulations of the LDC, with the allowed deviations described in finding A.1.c. above, incorporated herein by reference. The proposed Project is not requesting an allowed deviation for the proposed neighborhood identification sign, and the proposed sign would be conditioned to be designed and installed in accordance with the applicable regulations of the SDMC Chapter 14, Article 2, Division 12. Therefore, the proposed development will comply with the applicable regulations of the LDC, including any allowable deviations pursuant to the LDC.

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

3. The appeal of Saige Gonzales Walding, on behalf of the Chollas Valley Community Planning Group is denied; the decision of the Planning Commission is affirmed; and based on these findings adopted by the Council, Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605 and Neighborhood Use Permit No. PMT-3286476 are granted by the Council to the referenced Owner/Permittee, in the form, exhibits,

(R-2027-10)

terms, and conditions as set forth in Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605 and Neighborhood Use Permit No. PMT-3286476, a copy of which is attached to and made a part of this Resolution by this reference.

APPROVED: HEATHER FERBERT, City Attorney

By



Corrine L. Neuffer
Chief Deputy City Attorney

CLN:jdf
07/08/2026
Or.Dept: DSD
Doc. No. 4488293

ATTACHMENT: Permit

**RECORDING REQUESTED
BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE,
MAIL STATION DSD-1A**

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

INTERNAL ORDER NUMBER: 24009763 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SITE DEVELOPMENT PERMIT NO. PMT-3262906
NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT-3273605
NEIGHBORHOOD USE PERMIT NO. PMT-3286476
5702 OLD MEMORY LANE PROJECT NO. PRJ-1107880
CITY COUNCIL**

This Site Development Permit No. PMT-3262906, Neighborhood Development Permit No. PMT-3273605, and Neighborhood Use Permit No. PMT-3286476 is granted by the City Council of the City of San Diego to VERTICAL BRIDGE LANDCO, LLC, A Delaware Limited Liability Company, Owner, and D.R. HORTON LOS ANGELES HOLDING COMPANY, INC, A California Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0505, 126.0404, and 126.0205. The 31.18-acre site is located at 5702 Old Memory Lane in the RS-1-2 (Residential-Single Unit) zone of the Encanto Neighborhoods Community Planning area. The project site is legally described as: ALL THAT PORTION OF LOT 18 OF RANCHO MISSION OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE PARTITION MAP THEREOF MADE IN AN ACTION ENTITLED "JUAN M. LUCO, ET AL, VS. COMMERCIAL BANK OF SAN DIEGO, A CORPORATION, ET AL" AND ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner, and Permittee to redevelop an existing radio broadcast facility to include the demolition of existing broadcast transmitter towers, a broadcast building, and associated accessory structures and site improvements for a proposed residential subdivision consisting of 130 lots, including 123 Residential-Single Unit lots and seven (7) private open space lots, a neighborhood identification sign and associated site improvements subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 20, 2025, on file in the Development Services Department.

The project shall include:

- a. The redevelopment of an existing closed radio broadcast facility to include the following:
 - 1) Demolition of an existing radio transmitter facility, including a 7,050-square-foot (SF) transmitter building, two broadcast towers and associated site improvements;

- 2) The subdivision of a 31.18-acre site for 130 lots, including 123 Residential-Single Unit lots and seven (7) private open space lots (privately maintained by a Homeowner's Association [HOA]) to include four (4) private parks (with a recreation easement to be publicly accessible);
 - 3) Construction of 123 residential dwelling units to include 13 affordable for-sale dwelling units with prices set aside for households with an income of no more than 100 percent of the area median income (AMI); and
- b. Allowable deviations in the form of one incentive and five waivers from the development regulations pursuant to the table below:

Proposed Incentive and Waivers		
Development Regulation	Required/Allowed	Proposed
Fence Height – General Fence Regulations for all zones (Incentive)		
SDMC 142.0310(c)(1)(A) Solid fences located on the front or street side property line of residential lots. *Where a fence height deviation is being requested, the height shall not exceed three feet (3'-0") in height within Visibility Areas in accordance with SDMC Section 142.0310(b).	<u>Front side maximum fence height:</u> Three feet (3'-0") in height, except as provided in Section 142.0310(c)(1)(C). <u>Street-side maximum fence height:</u> Three feet (3'-0") in height, except as provided in Section 142.0310(c)(1)(C).	Fences of six (6) feet in height located on the street side property line for the following lots: 9, 53, 78, 81, 95, 102, 103 and 111. Within the referenced lots, fences shall not exceed three feet (3'-0") in height within the Visibility Areas shown on the Exhibit "A," in accordance with SDMC Section 142.0310(b).
Minimum Street Frontage (Waiver)		
SDMC Table 131-04D, Minimum Lot Dimensions, Street frontage for residential zones.	<u>Minimum Street Frontage:</u> 50 feet (50'-0") within the RS-1-7 (Residential-Single Unit) zone.	Minimum street frontage will range from 37 feet to 49 feet for the following lots: 1-8, 10, 11, 14-42, 45-52, 54, 57, 58, 60, 61, 72-79, 82, 83, 85, 87-97, 104, 105, 113-122, as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
Minimum Lot Dimensions (Waivers)		
SDMC Table 131-04D, Minimum Lot	<u>Minimum Lot Width:</u>	Minimum lot width will range from 45 feet (45'-0")

Proposed Incentive and Waivers		
Development Regulation	Required/Allowed	Proposed
Dimensions, Lot Width for residential zones.	50 feet (50'-0") within the RS-1-7 zone.	to 49 feet (49'-0") for the following lots: 4-7, 10-15, 33-37, 45, 51, 52, 54, 57, 58, 60, 61, 82, 83, 85, 92-97, 112-116, 121 and 122, as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
SDMC Table 131-04D, Minimum Lot Dimensions, Lot Width (Corner Lot) for residential zones.	<u>Minimum Lot Width (Corner Lot):</u> 55 feet (55'-0") within the RS-1-7 zone.	Minimum lot width (Corner Lot) will range from 48 feet (48'-0") to 54 feet (54'-0") for the following lots: 9, 53, 78, 81, 95 and 111, as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
SDMC Table 131-04D, Minimum Lot Dimensions, Lot Depth for residential zones.	<u>Minimum Lot Depth:</u> 95 feet (95'-0") within the RS-1-7 zone.	A lot depth of 93 feet (93'-0") for lots 110 and 111 as listed in the Lot Summary Table on sheet C2 of Exhibit "A."
Driveway Curb Opening (Waiver)		
SDMC section 142.0560(j)(3) for driveway openings. Reference: City of San Diego Standard Drawing SDG-164 Driveway Location and Width Requirements.	In accordance with City of San Diego Standard Drawing SDG-164, Note 2 states the following: Not more than 40-percent of the property frontage on residential lots may be allocated for driveway curb openings.	22-foot (22'-0") driveway curb opening (16-foot-wide driveways with a 3-foot flare on each side) for lots: 1-61, 71-83, 85-97, 99-101, 104-108 and 112-123. 107 of the 123 residential lots in this subdivision would exceed the 40-percent maximum driveway curb opening width.

- c. Landscaping (planting, irrigation and landscape-related improvements);
- d. Off-street parking;

- e. A free-standing neighborhood identification sign located at the eastern entrance to the development site at the proposed intersection of 60th Street and Street "A" as shown in Exhibit "A"; 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 December 5, 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. 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.

12. 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."

13. The Site Development Permit, Neighborhood Development Permit, and Neighborhood Use Permit shall comply with all Conditions of the Final Map for Tentative Map No. 3262907.

AFFORDABLE HOUSING REQUIREMENTS:

14. Prior to the issuance of any building permits for the construction of dwelling units, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of SDMC Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission, which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement will specify that in exchange for the City's approval of the Project, the Owner/Permittee shall provide 13 affordable for-sale dwelling units with prices set aside for households with an income of no more than 100 percent of the area median income (AMI).

AIRPORT REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING REQUIREMENTS:

16. Prior to issuance of any building permit, the Owner/Permittee shall, by permit and bond, assure the construction of a current City Standard public storm drain system on 60th Street including a new curb inlet, storm drainpipe and cleanout connecting to existing public storm drain pipe on Dipper Street, in accordance with Exhibit 'A', to the satisfaction of the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee shall, by permit and bond, assure the construction of a current City Standard public storm drain system on EVA road and Old

Memory Lane including cleanouts, storm drain pipes, and green street improvements, in accordance with Exhibit 'A', to the satisfaction of the City Engineer.

18. Prior to the issuance of any building permit, the Owner/Permittee shall, by permit and bond, assure the construction of current City Standard public storm drain systems on all Public Internal Streets (A, B, C, and D) including curb inlets, storm drain pipes, cleanouts and curb outlets, in accordance with Exhibit 'A', to the satisfaction of the City Engineer.

19. Prior to issuance of any building permit, the Owner/Permittee shall remove and replace portions of the existing guardrail along east side of 60th Street across from the project site, in accordance with the approved Exhibit "A", to the satisfaction of the City Engineer and Transportation Department.

20. Prior to issuance of any building permit, the Owner/Permittee shall construct a City Standard Retaining Wall along the east side of 60th Street, in accordance with approved Exhibit 'A', to the satisfaction of the City Engineer and Transportation Department.

21. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of pedestrian curb ramps, per current City Standards, in accordance with approved Exhibit "A", to the satisfaction of the City Engineer.

22. Prior to issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the construction of a City Standard driveway for each proposed lot, in accordance with the approved Exhibit "A", to the satisfaction of the City Engineer.

23. Prior to issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA) for the proposed Emergency Vehicle Access (EVA) automatic swing gates, knox box, curb outlets, retaining walls, swales, street trees, landscape, irrigation, rolled curb, private stormwater systems and storm drain connections within the right-of-way for all internal public streets (A B, C, and D), EVA road, 60th Street, and Old Memory Lane, to the satisfaction of the City Engineer.

24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices (BMP) 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 enter into a Stormwater Management Device Maintenance Agreement (SWMDCMA) detailing the ongoing maintenance of permanent Best Management Practices (BMP), to the satisfaction of the City Engineer.

26. Prior to the issuance of any construction permit, the Owner/Permittee applicant shall submit a Technical Report (Stormwater Quality Management Plan), which shall be subject to final review and approval by the City Engineer, in accordance with the Stormwater Standards Manual in effect at the time of the construction permit issuance.

27. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit Order No. 2022-0057-DWQ. In accordance with Order No.

2022-0057-DWQ 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.

28. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI), including 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. If ownership of the entire site or any portion of the site changes prior to the filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with Section II.C of Order No. 2022-0057-DWQ, and a copy shall also be submitted to the City.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

29. 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.

30. The mitigation measures specified in the MMRP and outlined in Project No. PRJ-1107880 Addendum to Program Environmental Impact Report (PEIR) No. 3860297/State Clearinghouse (SCH) No. 2014051075, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

31. The Owner/Permittee shall comply with the MMRP as specified in Project No. PRJ-1107880 Addendum to Program Environmental Impact Report (PEIR) No. 386029/State Clearinghouse (SCH) No. 2014051075, 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:

- Biological Resources
- Paleontological Resources

LANDSCAPE REQUIREMENTS:

32. 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.

33. 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.

34. Prior to issuance of any building 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 in accordance with SDMC section 142.0403(b)6.

35. 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.'

36. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, 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.

PARKS AND RECREATION REQUIREMENTS:

37. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete grading plans, which shall be subject to final review and approval by the Parks and Recreation Department.

PLANNING/DESIGN 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. 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.

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

41. 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:

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

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

44. Prior to the issuance of any building permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Backflow Prevention Device(s) [BFPDs], 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.

45. 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 main within the right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department and the City Engineer.

46. Prior to the operational acceptance of the public eight-inch (8") Polyvinyl Chloride (PVC) sewer main in the Emergency Vehicle Access driveway, the Owner/Permittee shall install a key-padded Knox box on the swing gates as shown on the approved Exhibit "A" and provide the operating code to the Public Utilities Department.

47. The Owner/Permittee shall be responsible for any damage caused to the City of San Diego water and sewer facilities within the vicinity of the project site due to the construction activities associated with this project in accordance with San Diego Municipal Code Section 142.0607. Should such damage occur, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

48. Prior to first occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer.

49. 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.

50. 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.

TRANSPORTATION REQUIREMENTS:

51. Prior to issuance of the first building permit, Owner/Permittee shall dedicate 30 feet for the widening of the fronting portion of southbound 60th Street and assure by permit and bond the construction of 18 feet of pavement, curb, and gutter, in addition to the 18 to 20 feet of existing

pavement, a 12-foot wide parkway (seven-foot [7'-0"] wide Green Streets Swale, five-foot [5'-0"] wide non-contiguous sidewalk) within a 60-foot wide right-of-way, in addition to a 10-foot wide trail easement (four-foot [4'-0"] wide buffer, five-foot [5'-0"] wide decomposed granite, one-foot [1'-0"] buffer) within the project site, satisfactory to the City Engineer. These improvements shall be completed and operational prior to first occupancy.

52. Prior to issuance of the first building permit, Owner/Permittee shall dedicate 56 feet of right-of-way and assure by permit and bond the construction of the internal roadways labeled Street "A", Street "B", Street "C", and Street "D" on Exhibit 'A' with a 32 foot curb-to-curb pavement width and a 12-foot wide parkway (seven-foot [7'-0"] landscape, five-foot [5'-0"] non-contiguous sidewalk) on each side within the 56 feet of right-of-way, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

53. Prior to issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of an Emergency Vehicle Access alley within the existing 30 feet of right-of-way connecting to the north terminus of Old Memory Lane, with a 20-foot wide curb-to-curb pavement width, seven-foot-six-inch (7'-6") wide parkway (two-foot-six-inch [2'-6"] wide buffer and five-foot [5'-0"] wide sidewalk) on the north side, and a two-foot six-inch (2'-6") wide buffer on the south side, per City standards, satisfactory to the City Engineer and the Fire Marshall. All improvements shall be completed and operational prior to first occupancy.

54. The Owner/Permittee shall provide and maintain on-site the following Vehicle Miles Traveled (VMT) reduction measures:

- a. Install one bike repair station in Pocket Park 1 in the location shown in Exhibit "A."
- b. Provide eight (8) trees with 20 feet spacing along Street "A" as shown in Exhibit "A."
- c. Construct a 200-square-foot resting area in Pocket Park 1 with benches, signage, and trash receptacle, as shown in Exhibit "A."

These improvements shall be completed and operational prior to first occupancy.

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 JUL 07 2026, and Resolution
Number R-316869.

Site Development Permit No. PMT-3262906
Neighborhood Development Permit No. PMT-3273605
Neighborhood Use Permit No. PMT-3286476
Date of Approval: April 7, 2026

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Martin R. Mendez
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.**

VERTICAL BRIDGE LANDCO, LLC,
A Delaware Limited Liability Company
Owner

By _____
NAME:
TITLE:

**D.R. HORTON LOS ANGELES
HOLDING COMPANY, INC.,**
A California Corporation
Permittee

By _____
NAME: Barbara M. Scull
TITLE: Vice President and SoCal South
Division President

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

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Passed by the Council of The City of San Diego on July 7, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☐	☒	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage JUL 07 2026.

(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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-316869**