

RESOLUTION NUMBER R- 313602

DATE OF FINAL PASSAGE JUN 15 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO GRANTING PLANNED DEVELOPMENT  
PERMIT NO. 2419770, SITE DEVELOPMENT PERMIT  
NO. 2073790 AND RESCISSION OF CONDITIONAL USE  
PERMIT NO. 87-0346 FOR THE JUNIPERS PROJECT  
NO. 586670.

WHEREAS, CARMEL PARTNERS LLC, a Delaware Limited Liability Company,  
Owner/Permittee, filed an application with the City of San Diego for a Planned Development  
Permit No. 2419770, Site Development Permit No. 2073790, and Rescission of Conditional Use  
Permit No. 87-0346 to subdivide a 112.3-acre site into 13 lots for the construction of an active  
adult (55+) community that includes 536 residential units and associated public and private  
improvements at the former Carmel Highland Golf Course located west of I-15, north of  
Carmel Mountain Road, east of Peñasquitos Drive adjacent to 14455 Peñasquitos Drive, and  
legally described as Parcel 3 of Parcel Map No. 21621, in the City of San Diego, County of  
San Diego, State of California, filed in the office of the County Recorder of San Diego County  
on September 13, 2018 as Instrument No. 2018-7000350 of official records; and

WHEREAS, on April 29, 2021, the Planning Commission of the City of San Diego  
considered Planned Development Permit No. 2419770 and Site Development Permit No.  
2073790 (Permits), and voted to recommend the approval of the Permits with Planning  
Commission Resolution 5139-PC; and

WHEREAS, the Owner/Permittee requested the rescission of Conditional Use Permit No.  
87-0346 under San Diego Municipal Code (SDMC) section 126.0110, a development permit  
utilized in accordance with SDMC section 126.0108 and complies with all use and development  
regulations, shall be herein rescinded as the use is no longer required on the premise; and

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

WHEREAS, the matter was set for public hearing on June 15, 2021, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 2419770 and Site Development Permit No. 2073790:

**1. PLANNED DEVELOPMENT PERMIT [SDMC section 126.0605]**

**a. Findings for all Planned Development Permits:**

**(1) The proposed development will not adversely affect the applicable land use plan.**

The project is located on the former Carmel Highland Golf Course in the Glens Neighborhood within the Rancho Peñasquitos Community Plan (Community Plan). The project includes developing the site as an age-qualified, active adult (55+) community consisting of several interconnected neighborhoods, various private recreational common areas and usable open space for residents. The project also includes a public park and recreational walking trail loop (referred to as the social loop trail) and additional recreational elements as part of private facilities with public access easements and supporting public and private improvements.

The project includes re-designating the site as Residential in the General Plan and from Open Space/Golf Course to Low Medium Residential Density (10-15 dwelling units/acre) in the Community Plan, and rezone from the existing RS (Residential-Single Unit)-1-14 zone and small area of CV (Commercial-Visitor)-1-1 zone to RM (Residential-Multiple Unit)-1-1 and RM-3-7 zones and OR (Open Space-Residential)-1-1 and OP(Open Space-Park)-1-1 zones. Residential units will consist of up to 455 market-rate units, including detached single-family units, townhomes/duplexes, and six-plex configurations. The project also includes 81

for-rent affordable housing units for low-income seniors for a total of 536 residential units.

The proposed uses would be consistent with the intent of the General Plan of focusing growth close to activity centers and linked to the regional transit system. The project would increase housing capacity and provide a range of housing types (age-restricted and affordable) with a land use plan compatible with the Glens Neighborhood. The project site has been identified in the City's Housing Element for the potential location of new housing, and implements the Housing Element goals of providing affordable housing onsite; creating a compact and walkable neighborhood that is accessible by transit; and increasing housing choices within the Rancho Peñasquitos community.

The residential development would consist of a mix of detached and attached multi-family housing with public and private parks and recreational amenities compatible with the existing neighborhood. While the project density is slightly higher than adjacent residential development, the Glens Neighborhood also includes a mix of single-family and multi-family development. The closest proposed homes would not exceed two stories in height, and would include single-story, detached units similar in scale to the homes in the existing neighborhood.

The low-rise multi-family homes have been designed to meet the needs of older senior households. All homes are designed to include features that accommodate residents as they age, including universal design features such as wider corridors to allow for wheelchair movement, first floor master bedroom suites, and reduced onsite parking. The homes have been designed with small private outdoor spaces to minimize maintenance needs and enhance community open space to emphasize personal interaction and active senior lifestyles. The architecture of the homes is also consistent with the old west ranch style design Community Plan recommendations for the Glens Neighborhood.

The project will provide a 2.87-acres of public park, which exceeds the population-based park requirement of 2.55 acres. This design includes a dog park, children play areas, picnic and game areas, and a large turf area. The project also provides two privately owned and maintained recreational amenities that would be accessible to the general public. The amenities consist of a 2.75-mile social loop trail that includes seating, fitness stations, and observation and/or interpretive areas. The other amenity consists of a 0.52-acre park at the southern portion of the site that includes sports courts and mobility features such as bike racks, day lockers, tethered bike tools, transit and bike route signage, a rideshare pickup/drop-off location, pedestrian paths, and benches and shade structures.

The Community Plan also calls for the construction and maintenance of an adequate system for vehicular, bicycle and pedestrian circulation within the community, while providing adequate access to the larger San Diego region. The project provides roadway improvements that would increase capacity, and

includes a class II bike lane along the access road to the project and adjacent public park, thereby enhancing connectivity to the area. The project will also install a traffic signal at Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway with dedicated left-turn lanes and protected phasing on Peñasquitos Drive, and permissive phasing on the minor street approaches (Cuca Street/Hotel Karlan Driveway). A single-lane roundabout would also be constructed at the Peñasquitos Drive, Janal Way and project access point.

The neighborhood is served by a bus line along Carmel Mountain Road that can be accessed using pedestrian corridors. The site is also approximately two miles south of the Rancho Bernardo Transit Station and one mile north of the Sabre Springs/Peñasquitos Transit Station (within an approximately 15-minute bike ride or a 5-minute drive). Each station provides access to all three major Bus Rapid Transit services operating from North County with connections to primary destinations in Kearny Mesa, Downtown San Diego and other regional destinations.

The project also addresses Climate Action Plan's Greenhouse Gas (GHG) targets through sustainability features that includes photovoltaic panels on all of the individual homes, carport roofs within the affordable apartments, and EV charging stations, thereby resulting in a net decrease in GHG emissions for the overall project as compared to the former golf course. Lastly, the project includes adopting a Community Plan Implementation Overlay Zone to require the implementation of Community Plan policies and regulations to ensure that any future development of the site is consistent with the Community Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

**(2) The proposed development will not be detrimental to the public health, safety and welfare.**

The project is located on the former Carmel Highland Golf Course in the Glens Neighborhood within the Rancho Peñasquitos Community Plan (Community Plan). The project includes developing the site as an age-qualified, active adult (55+) community consisting of several interconnected neighborhoods, various private recreational common areas and usable open space for residents. The project also includes a public park and recreational walking trail loop (referred to as the social loop trail) and additional recreational elements as part of private facilities with public access easements, and supporting public and private improvements.

The project includes re-designating the site as Residential in the General Plan and from Open Space/Golf Course to Low Medium Residential Density (10-15 dwelling units/acres) in the Community Plan, and rezone from the existing RS-1-14 zone and small area of CV-1-1 zone to RM-1-1 and RM-3-7 zones and OR-1-1 and OP-1-1 zones. Residential units will consist of up to 455 market-rate units, including detached single-family units, townhomes/duplexes, and six-plex

configurations. The project also includes 81 for-rent affordable housing units for low-income seniors for a total of 536 residential units.

The project site is in the Urban Areas segment of the City's Multiple Species Conservation Program's Subarea Plan and is not located within or adjacent to the Multi-Habitat Planning Area. The sloping topography within the site does not meet the definition of steep hillsides in the Environmentally Sensitive Lands (ESL) regulations. The site does not contain protected habitats or sensitive plant or animal species. The existing drainage that crosses the site does not meet the City's definition of a wetland and is not subject to the City's ESL Regulations, and the on-site habitats are not subject to the regulations. The project is not within a coastal beach or bluff area, nor does it contain 100-year floodplains.

Primary vehicular access to the project, as well as fire and emergency access, would come from a new driveway connecting to Janal Way at the current intersection of Janal Way and Peñasquitos Drive to form a new four-way intersection designed as a traffic-calming roundabout occurring within the public right-of-way. An additional project entrance will provide right-in traffic only from Carmel Mountain Road due to proximity to the I-15 freeway. The project also provides emergency-only egress, through an emergency personnel-operated radio frequency gate, and a mountable median with delineators within the Carmel Mountain Road median. In the event of an emergency, emergency vehicles would turn right or left in or out of the development, and the route could be opened by emergency personnel in the event of an evacuation. Additional emergency access/egress would be provided through an on-site connection to Del Diablo Street and off-site improvements to Andorra Way/Corte Raposo.

An Environmental Impact Report (EIR) was prepared for the project that identified potentially significant impacts in the areas of transportation, biological resources, historic and tribal resources, and public health and safety. The following mitigation measure have been identified to reduce all impacts to below a level of significance:

Transportation and Circulation: The project will create significant direct and cumulative impacts at the Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway and the Peñasquitos Drive/Janal Way/Project Access intersections. To mitigate these impacts, the project will install a traffic signal at Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway with dedicated left-turn lanes and protected phasing on Peñasquitos Drive, and permissive phasing on the minor street (Cuca Street/Hotel Karlan Driveway) approaches. The project will also construct a single-lane roundabout at the Peñasquitos Drive, Janal Way and project access point.

Biological Resources: The project results in significant impacts to a man-made drainage feature within the eastern/northeastern portion of the site including impacts to 0.10-acres of United States Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB)

jurisdictional non-wetland waters of the U.S. and State of California, and 0.15-acres of California Department Fish and Wildlife (CDFW) jurisdictional streambed. The impacts would be mitigated at a 1:1 ratio through one or a combination of on- and/or off-site re-establishment and/or enhancement of the same type of wetland and non-wetland waters.

Historic and Tribal Resources: The potential exists for subsurface resources to be recovered on-site. Therefore, mitigation measures to preserve and protect archaeological and fossil resources will be implemented prior and during grading.

Public Health and Safety: The project would result in potentially significant impacts related to disturbance of soils, slabs, and pavements within two on-site maintenance areas. Residue from the previous handling and storage of hazardous materials within these areas could result in health hazards to workers during construction. A soils management plan will be implemented to identify, segregate and dispose of any impacted soils.

A Water Supply Assessment (WSA) Report for the project was prepared to evaluate if sufficient water supplies would be available to meet the projected water demands of the project. The WSA concluded that current and future water supplies to serve the projected demands of the project, as well as the actions necessary to develop these supplies, have been identified in the water resource planning documents of the City's Public Utilities Department, the County Water Authority, and the Metropolitan Water District.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include submitting an acoustical analysis report that identifies sound transmission reduction measures for the residences; submitting an updated geotechnical report that addresses the construction plans; obtaining an Encroachment Maintenance Removal Agreement for all private storm drain systems and connections, enhanced pavers, landscape and irrigation located in the public right-of-way; implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance; entering into an indemnification agreement for surface drainage entering into the property from the public right-of-way; paying an in-lieu park fee for recreation center facilities in Rancho Peñasquitos; assure by permit and bond the design and construction of all required public water and sewer facilities; and installation of private back flow prevention devices. Therefore, the project will not be detrimental to the public, health, safety, and welfare.

- (3) The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable**

**deviations that are otherwise authorized pursuant to the Land Development Code.**

The project is located on the former Carmel Highland Golf Course in the Glens Neighborhood within the Rancho Peñasquitos Community Plan (Community Plan). The project includes developing the site as an age-qualified, active adult (55+) community consisting of several interconnected neighborhoods, various private recreational common areas and usable open space for residents. The project also includes a public park and recreational walking trail loop (referred to as the social loop trail) and additional recreational elements as part of private facilities with public access easements, and supporting public and private improvements.

The project includes re-designating the site as Residential in the General Plan and from Open Space/Golf Course to Low Medium Residential Density (10-15 dwelling units/acres) in the Community Plan, and rezone from the existing RS-1-14 zone and small area of CV-1-1 zone to RM-1-1 and RM-3-7 zones and OR-1-1 and OP-1-1 zones. Residential units will consist of up to 455 market-rate units, including detached single-family units, townhomes/duplexes, and six-plex configurations. The project also includes 81 for-rent affordable housing units for low-income seniors for a total of 536 residential units.

The project proposes deviations to the development regulations for street frontage, fence/wall height, front yard setback, side yard setback, and lot width. Staff has reviewed and approved the following requested deviations for the project:

<b>Proposed Deviations</b>		
<b>Development Regulation</b>	<b>Required/Allowed</b>	<b>Proposed</b>
<b>Street Frontage Deviation</b>		
For RM-1-1 and RM-3-7 lots, as per SDMC Table 131.04g, the minimum street frontage.	50 feet (RM 1-1) 70 feet (RM 3-7)	0-foot street frontage. The 0-foot street frontage for Lot H allows ingress and egress from Peñasquitos Drive and Carmel Mountain Road to Lots 1, 2, 3 & 4 (RM-1-1) and Lot 5 (RM 3-7) instead of directly from a public street.
<b>Fence/Wall Height Deviation</b>		
SDMC section 142.0310 (1)(c) the height of a solid fence located on the front or street side property line may not exceed 3 feet, except when placed at the setback line where it may be 6 feet high.	3 feet - 6 feet	6-foot high fences within the front setback of Buildings 44-47, 55, 61, 62, 71, 72, 87, 88, 113, 114, 135-138, 163-166, 181, 184, 185, 188, 189, 192, 193, 195, 196 (Lot 3)

<b>Proposed Deviations</b>		
<b>Development Regulation</b>	<b>Required/Allowed</b>	<b>Proposed</b>
SDMC section 142.0310 (4)(d) fences located in required side yards and required rear yards are permitted up to 9 feet in height. Any portion of the fence above 6 feet in height shall be an open fence.	9 feet with up to 6 feet of solid fence and 3 feet of open fence	8-foot high solid fence for Buildings 99, 100, 123, 124, 125, 126, 147, 148, 149, 150, 179, 180  9-foot high solid fencing for Buildings 101, 102, 181, 182
<b>Setback Deviation</b>		
For RM-1-1 lots, SDMC section 131.0443(d) and Table 131.04g - Up to 50 percent of the front yard setbacks may utilize the minimum yard setback if the other 50 percent utilizes the standard yard setback.	Minimum 15-foot front yard setback and Minimum 20-foot Standard front setback	Lot 2 (RM-1-1) front yard setback; Building No. (requested setback): 259 (10 feet), 260 (10 feet), 265 (10 feet)  Lot 3 (RM-1-1) front yard setback; Building No. (requested setback): 181 (10 feet), 184 (10 feet), 185 (10 feet), 188 (10 feet), 189 (13 feet), 192 (11 feet), 193 (12 feet), 196 (14 feet)  Lot 4 (RM-1-1) front yard setback; Building No. (requested setback): 54 (13 feet), 62 (13 feet), 71 (18 feet), 72 (14 feet)
For RM-1-1 lots, SDMC section 131.0443 (d) and Table 131.04g - Up to 50 percent of the length of the building envelope on one side of the premises may observe the minimum 5-foot side yard setback, provided the remaining percentage of the building envelope length observes at least the standard side yard setback of 8 feet or 10 percent of the lot width, whichever is greater. 100 percent of the length of the building envelopes on the opposite side may observe the minimum side yard setback of 5 feet.	Minimum side yard setback of 5 feet;  Minimum street yard setback of 10 feet;  Standard side yard setback of 10 percent of lot width (see Sheet C5 of engineering drawings for specific lots and setbacks)	Lot 1 (RM-1-1) side yard setback; Building No. (requested setback): 42 (25 feet), 43 (15 feet), 44 (35 feet)  Lot 2 (RM-1-1) side yard setback; Building No. (requested setback): 231 (45 feet), 310 (45 feet), 232 (10 feet), 233 (10 feet), 234 (25 feet), 235 (25 feet), 236 (25 feet), 237 (20 feet)  Lot 3 (RM-1-1) side yard setback; Building No. (requested setback): 196 (17 feet), 195 (17 feet), 166 (20 feet), 165 (16 feet), 164 (22 feet), 163 (18 feet), 138 (15 feet), 137 (15 feet), 136 (20 feet), 135 (17 feet), 114 (20 feet), 113 (15 feet), 88 (20 feet), 87 (15 feet)



Proposed Deviations		
Development Regulation	Required/Allowed	Proposed
		Lot 4 (RM-1-1) side yard setback; Building No. (requested setback): 53 (5 feet), 54 (5 feet)
<b>Lot Width Deviation</b>		
For RM-1-1 lots, SDMC section 131.0231 minimum lot width	Minimum 200 feet	Lot C – 10-foot minimum Lot D – 20-foot minimum Lot G – 10-foot minimum

**Fence/Wall Height Deviation:** The sound barrier height deviation allows for taller walls and fences around private exterior use areas for noise attenuation purposes to achieve sound levels of 70 CNEL or less within private outdoor usable spaces. The taller noise attenuation privacy barriers reach up to eight or nine feet in height and are primarily located within the easternmost housing units adjacent to the I-15 freeway. The deviation will result in a more desirable project since increasing the heights of sound walls by two to three feet over the allowable six feet reduces sound impacts from the I-15 freeway thereby protecting the quality of life for residents. The sound walls have no significant adverse visual effect to viewers from the east due to the topographic variation between the site and the I-15 freeway.

**Setback Deviation:** The deviations from the setback requirements for the RM-1-1 Zone allows for placement of the project into the unique shape of the former golf course footprint, allowing for units customized to the living needs of the 55+ age group, and providing for a perimeter open space and walking trail. The deviations are located on the condominium lot and allow for the front of the dwelling units to be closer to the sidewalk, thereby promoting pedestrian interaction. The deviation would also accommodate the desired densities for the one-story homes with no stairs that best serve senior residents.

The deviation will result in a more desirable project since the project implements policies in the Residential Element of the Community Plan that encourages residential development that uses creative and flexible site planning to maximize the preservation of open space and hillside areas. The offset in depth from the front facade to the main massing provides for more variation along the streetscape between the various elevations and is therefore more suitable to the geography of the site. The additional depth to the living space at the front, along with the side and rear yard setback deviations allows for better internal functionality of the dwelling units. Single-story development is also considered important for senior residents who want to age in place and have internal home spaces that are located at ground level. The additional internal area provided by the reduced setbacks also provides additional rooms per floor plan design to meet the future needs of the senior homeowner.

**Street Frontage Deviation:** The street frontage deviation addresses the RM-1-1 requirement for dwelling units to have 50 feet of street frontage, and a RM-3-7 requirement for dwelling units to have 70 feet of street frontage (Lot 5). The project proposes condominiums where units do not front on streets and are clustered around a common driveway. The deviation will result in a more desirable project since it would allow for maximum dwelling unit sizes without the need for large front yards. The common driveway would serve as a common entryway, and as a central meeting area for neighbors in each of the residential clusters, thereby promoting social interaction.

**Lot Width Deviation:** The perimeter of the project is proposed for OR-1-1 zoning to reflect the open space that would be privately owned and maintained by the homeowners association. A deviation from the standard minimum 200-foot lot width requirement is necessary due to the limitations of the unique shape of the project site and the proximity of the adjacent I-15 freeway and residential neighborhood. The deviation will result in a more desirable project since the proposed perimeter open space area includes a social loop trail and associated pedestrian amenities that will be available to the general public, and re-establishes a drainage area along the eastern boundary.

Each of the requested deviations has been reviewed as they relate to the project design, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the former golf course for residential use, while meeting the purpose and intent of the development regulations.

The City's Inclusionary Affordable Housing Implementing and Monitoring Procedures (Affordable Housing Manual) requires projects to construct affordable housing units in similar bedroom mix as the market rate units unless a variance is requested for an alternative comparable bedroom mix. The project's 81 affordable housing units accounts for 15 percent of the total proposed housing units, where the regulations require 10 percent. The inclusion of the affordable housing units exceeds the project's affordable housing obligation. Therefore, granting a variance for an alternative bedroom mix requirement is consistent with the policies of the Affordable Housing Manual.

The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the San Diego Municipal Code. The project will assist in accomplishing of the Community Plan of providing market-rate and affordable housing opportunities. Therefore, the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant San Diego Municipal Code section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

2. **SITE DEVELOPMENT PERMIT [SDMC section 126.0505]**

b. **Findings for all Site Development Permits:**

- (1) **The proposed development will not adversely affect the applicable land use plan.**

See Planned Development Permit finding 1.a.(1).

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

See Planned Development Permit finding 1.a.(2).

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

See Planned Development Permit 1.a.(3).

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 2419770, Site Development Permit No. 2073790, and Rescission of Conditional Use Permit No. 87-0346 is granted to CARMEL PARTNERS LLC, a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

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

SCE:sc  
06/16/2021  
Orig.Dept.: Planning  
Doc. No.: 2691455

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

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

INTERNAL ORDER NUMBER: 24007629

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 2419770  
SITE DEVELOPMENT PERMIT NO. 2073790  
THE JUNIPERS PROJECT NO. 586670 [MMRP]  
RESCISSION OF CONDITIONAL USE PERMIT NO. 87-0346  
CITY COUNCIL**

This Site Development Permit No. 2073790 and Planned Development Permit No. 2419770 and Rescission of Conditional Use Permit No. 87-0346 is granted by the City Council of the City of San Diego to CARMEL PARTNERS LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0505 and 126.0605. The 112.3-acre site is the former Carmel Highland Golf Course and is located west of I-15, north of Carmel Mountain Road, and east of Peñasquitos Drive, adjacent to 14455 Peñasquitos Drive, in the community of Rancho Peñasquitos in the City of San Diego in the RS-1-14 (Residential-Single Unit) and CV-1-1 (Commercial-Visitor) zones which are proposed to be rezoned to RM-1-1 (Residential-Multiple Unit), RM-3-7 (Residential-Multiple Unit), OR-1-1 (Open Space-Residential), and OP-1-1 (Open Space-Park), within the of the Rancho Peñasquitos Community Plan. The project site is legally described as: Parcel 3 of Parcel Map No. 21621, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on September 13, 2018 as Instrument No. 2018-7000350 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a combined total of 536 residential units for those aged 55 and above; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 15, 2021, on file in the Development Services Department.

The project shall include:

- a. Construction of a residential subdivision with 455 multi-family attached and detached residences (for-sale) and a three-story building with 81 senior affordable multi-family apartments (for-rent) on a vacant property (nonoperational golf course). All of the residential units are for those aged 55 and above;
- b. Deviations to the San Diego Municipal Code (SDMC):
  - 1) Street Frontage- Deviation to SDMC Table 131.04g to allow 0-foot street frontage, where 50 feet and 70 feet is required. Allow street frontage provided by Lot H

(private road) for ingress and egress from Peñasquitos Drive and Carmel Mountain Road to Lots 1, 2, 3 & 4 (RM-1-1) and Lot 5 (RM 3-7) instead of directly on a public street;

- 2) Fence/Wall Height- Deviation to SDMC section 142.0310 (1)(c) to allow a 6-foot height fences within the front setback of Building No. 44-47, 55, 61, 62, 71, 72, 87, 88, 113, 114, 135-138, 163-166, 181, 184, 185, 188, 189, 192, 193, 195, 196 (Lot 3); where the height of a solid fence located on the front or street side property line may not exceed 3 feet, except when placed at the setback line where it may be 6 feet;
  - 3) Fence/Wall Height- Deviation to SDMC section 142.0310 (4)(d) to allow 8-foot high solid fence for Building No. 99, 100, 123, 124, 125, 126, 147, 148, 149, 150, 179, 180, and to allow 9-foot high solid fencing for Building No. 101, 102, 181, 182; where fences located in required side yards and required rear yards are permitted up to 9 feet in height. Any portion of the fence above 6 feet in height shall be an open fence;
  - 4) Front Setback - Deviation to SDMC Table 131.04g and section 131.0443 (d) to allow Lot 2 (RM-1-1) front setback for Building No. 259, 260, and 265 to be 10 feet; Lot 3 (RM-1-1) front setback for Building No. 181, 184, 185, and 188 to be 10 feet, and 189 to be 13 feet, 192 to be 11 feet, 193 to be 12 feet, and 196 to be 14 feet; and Lot 4 (RM-1-1) front setback for Building No.: 54 and 62 to be 13 feet, 71 to be 18 feet, and 72 to be 14 feet; where the front yard setback is 15 feet (Minimum) and 20 feet (Standard);
  - 5) Side Setback - Deviation to SDMC Table 131.04g and section 131.0443 (d) to allow Lot 1 (RM-1-1) side setback for Building No. 42 to be 25 feet, 43 to be 15 feet, and 44 to be 35 feet; Lot 2 (RM-1-1) side setback for Building No. 231 and 310 to be 45 feet, 232 and 233 to be 10 feet, 234, 235, and 236 to be 25 feet, and 237 to be 20 feet; Lot 3 (RM-1-1) side setback for Building No. 196 and 195 to be 17 feet, 166 to be 20 feet, 165 to be 16 feet, 164 to be 22 feet, 163 to be 18 feet, 138 and 137 to be 15 feet, , 136 to be 20 feet, 135 to be 17 feet, 114 to be 20 feet, 113 to be 15 feet 88 to be 20 feet, and 87 to be 15 feet; and Lot 4 (RM-1-1) side setback for Building No. 53 to be 5 feet, and 54 to be 5 feet; where up to 50-percent of the length of the building envelope on one side of the premises may observe the minimum 5-foot side setback, provided the remaining percentage of the building envelope length observes at least the standard side setback of 8 feet or 10-percent of the lot width, whichever is greater;
  - 6) Lot Width- Deviation to SDMC section 131.0231 to allow for a 10-minimum lot width for Lot C (OR-1-1), a 20-minimum lot width for Lot D (OR-1-1), and a 10-minimum lot width for Lot G (OR-1-1); where a minimum 200 feet is required;
- c. Landscaping (planting, irrigation and landscape related improvements);
  - d. Off-street parking;
  - e. A 2.87-acre public park, privately owned/publicly accessible 2.75-mile "Social Loop" trail, 0.52-acre privately owned/publicly accessible park with mobility amenities, other private

open space/parks and recreational amenities for project residents' use, and internal streets. Retaining walls around the site perimeter would vary from 3 to 12 feet high. The residential privacy fencing along the eastern edge of the property will be designed to also protect project uses from I-15 noise. The project would be fully landscaped and would incorporate a variety of sustainable design features; 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 San Diego Municipal Code.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by June 15, 2024.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit rescinds Conditional Use Permit No. 87-0346.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

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

13. The mitigation measures specified in the MMRP and outlined in ENVIRONMENTAL IMPACT REPORT NO. 586670 / SCH NO. 2018041032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in ENVIRONMENTAL IMPACT REPORT NO. 586670 / SCH NO. 2018041032, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Transportation/Circulation  
Biological Resources  
Historical Resources,  
Tribal Cultural Resources, and  
Health and Safety

**LAND USE (NOISE - GENERAL PLAN CONSISTENCY) REQUIREMENTS:**

15. **Exterior Use Area Noise Barriers.** Prior to the issuance of any construction permit, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures that shall attenuate exterior noise not to exceed 70 dBA CNEL within private exterior use areas of each residence as identified in the preliminary Acoustical Analysis Report (January 2020) prepared by HELIX Environmental Planning, Inc. as follows:

To achieve an exterior noise reduction level to 70 CNEL or below to comply with City standards the project shall require the following noise reduction measures:

- a. Depicted the location of the noise barriers as depicted on Figure 7 of the Acoustical Analysis Report (August 2019);
- b. Identify the height of the noise barriers (6 feet, 8 feet, and 9 feet) as depicted on Figure 7 of the Acoustical Analysis Report (August 2019);
- c. All such noise barriers shall replace the project's proposed privacy walls to ensure sufficient noise attenuation is achieved; and
- d. The noise barriers must be solid. They can be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. The walls can be made of composite wood with a solid lower section with a clear glass or plastic upper section to maintain views. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3½ pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic ¾ of an inch thick or thicker may be used on the upper portion, if it is desirable to preserve a view. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of one-inch thick or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjamb.



16. **The Exterior-to-Interior Analysis.** Prior to the issuance of any construction permit, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures demonstrating that building structures shall attenuate exterior noise not to exceed a 45 dBA CNEL level within habitable residential space per the preliminary recommendations of the project-specific Acoustical Analysis Report (January 2020) prepared by HELIX Environmental Planning, Inc. as follows:

- a. To achieve interior noise reductions, the exterior-to-interior noise analysis shall be conducted for all proposed residences that are exposed to an exterior noise level of 60 CNEL and shall follow noise reduction measures required in the analysis.
- b. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site residences. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms.
- c. For the second and third-story residences with a direct line-of-sight to I-15 at the affordable multi-family residential units (depicted in the Acoustical Analysis), the following attenuation feature would provide sufficient noise reduction;
  - o Double-paned (dual glazed) windows, with two ¼-inch thick glass panes separated by a 1/2-inch air gap.
- d. For single detached, duplex, and six-plex units (depicted in the Acoustical Analysis), the following attenuation features would provide sufficient noise reduction:
  - o Dual-glazed windows with a Sound Transmission Class (STC) rating of 37. STC 37 rated windows include the following requirements:
    - 1/4-inch laminated glass
    - 1/2-inch air gap
    - 1/4-inch glass
- e. For all single detached, duplex, and six-plex units exposed to the highest noise levels (depicted in the Acoustical Analysis), the following additional attenuation feature would provide sufficient noise reduction:
  - o Walls with an STC rating of 56. STC 56 rated materials include the following requirements:
    - Two layers of 5/8-inch drywall (interior surface).
    - Fiberglass batt insulation.
    - 1/2-inch OSB shear wall.
    - 7/8-inch cement plaster mix.
    - 2 x 4 offset interlaced (or standard double stud) wood studs 16-inch on center so that the interior panel is disconnected from the exterior panel as a residential multi-family party wall.
- f. Air conditioning or mechanical ventilation systems shall be installed to allow windows and doors to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2001 California Building Code).

17. Prior to issuance of any construction permit, the Owner/Permittee, shall submit an acoustical analysis report that identifies sound transmission reduction measures that shall attenuate exterior noise to a 70 dBA CNEL within active and passive park use areas as identified in the preliminary Acoustical Analysis Report (January 2020) prepared by HELIX Environmental Planning, Inc. for the public social loop trail.

18. **Final Acoustical Report with Construction Documents.** Prior to issuance of Final Inspection/Occupancy, the Owner/Permittee shall submit two copies of the final acoustical report with construction documents to the Building Inspector, to verify that interior acoustical levels of 45 dBA have been achieved as identified in the approved technical report.

**AIR QUALITY REQUIREMENTS:**

19. Natural gas fireplaces will be limited to no more than 133 of the single detached units and four (4) additional natural gas fireplaces in and around the Clubhouse. Other fireplaces or hearths shall not be installed.

**CLIMATE ACTION PLAN REQUIREMENTS:**

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

**AFFORDABLE HOUSING REQUIREMENTS:**

21. The Owner/ Permittee has applied for a variance under Section 142.1311 of San Diego Municipal Code from the comparability provisions of San Diego Municipal Code Section 142.1304(e)(2). If approved, the project shall provide 15 percent of the market rate units as an affordable senior housing development with a mix of 80 percent one-bedroom units and 20 percent two-bedroom units. Prior to receiving the first residential building permit, the Owner/Permittee shall demonstrate compliance with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall enter into a Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions with the City of San Diego, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions. The Agreement will specify that the Owner/Permittee shall provide at least 81 units (65 one-bedroom and 16 two-bedroom units) with rents of no more than 30% of 60% of AMI for a period of 55 years.

**GEOLOGY REQUIREMENTS:**

22. Prior to the issuance of any construction permit (either grading or building), the Owner/ Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for

adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

23. The Owner/ Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

#### **ENGINEERING REQUIREMENTS:**

24. This Permit shall comply with the conditions of Vesting Tentative Map No. 2073797.

25. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for all private storm drain systems and connections, enhanced pavers, landscape and irrigation located in the City's right-of-way, satisfactory to the City Engineer.

26. The Owner/Permittee shall obtain a letter of permission for any work within the Caltrans Right-of-Way.

27. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

28. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

29. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

30. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of surface drainage entering into the property from the Right-of-Way.

#### **LANDSCAPE REQUIREMENTS:**

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

32. Prior to the issuance of any construction permit for a public improvement, 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.

33. Prior to the issuance of any construction permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(5).

34. 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.'

35. 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.

36. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

#### **PLANNING/DESIGN REQUIREMENTS:**

37. Prior to the issuance of any construction permit for building structure, a Public Access Easement shall be recorded across Lot F and along the Public Loop Trail, as shown on Exhibit "A."

38. Prior to the issuance of any construction permit, the Owner/Permittee shall assure all new structures shall be constructed to ignition-resistant standards that exceed the SDFRD Fire Code, including requirements of the CBC Chapter 7A "Materials and Construction Methods for Exterior Wildfire Exposure," and CFC Chapter 49 "Requirement Wildland-Urban Interface Areas." These requirements shall address roofs, eaves, exterior walls, vents, appendages, windows, and doors, and result in hardened structures that have been proven to perform at high levels (resist ignition) during the typically short duration of exposure to burning vegetation from wildfires.

39. A topographical survey conforming to the provisions of the San Diego Municipal Code 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.

#### **TRANSPORTATION REQUIREMENTS**

42. 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.

43. Prior to the issuance of the first construction permit for a residential building, the Owner/Permittee shall assure by permit and bond the construction of a new 25-foot wide driveway per current City Standards, adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.

44. Prior to the issuance of the first construction permit for a residential building, the Owner/Permittee shall assure by permit and bond the construction of a roundabout at Janal Way/Projects Driveway/ Peñasquitos Drive, satisfactory to the City Engineer. The improvement shall be complete and operational prior to first occupancy.

45. Prior to the issuance of the first construction permit for a residential building, the Owner/Permittee shall assure by permit and bond the construction of a traffic signal at Peñasquitos Drive/Cuca Street/ Hotel Karlan Driveway, satisfactory to the City Engineer. The improvement shall be complete and operational prior to first occupancy.

46. Prior to the issuance of the first construction permit for a residential building, the Owner/Permittee shall assure by permit and bond the construction of City standard curb, gutter and sidewalk, adjacent to the site along Peñasquitos Drive and Carmel Mountain Road, satisfactory to the City Engineer.

47. Prior to the issuance of the first construction permit for a residential building, the Owner/Permittee shall assure by permit and bond the construction of a new 24-foot wide driveway per current City Standards, adjacent to the site on Del Diablo Street, for fire/emergency access only, satisfactory to the City Engineer. Driveway to be located approximately 100 feet east of the intersection of Del Diablo Street and Satanas Street.

48. Prior to issuance of the first construction permit for a dwelling unit the owner/permittee shall assure by permit and bond the construction of an off-site emergency access/egress between Andorra Way and Corte Raposo, satisfactory to the City Engineer, and the owner/permittee shall complete the access/egress improvements to the satisfaction of the City Engineer prior to issuance of the first certificate of occupancy for a dwelling unit.

**PARKS AND RECREATION DEPARTMENT REQUIREMENTS:**

49. The Owner/Permittee shall provide 2.87 useable (3.23 gross) acres of population-based park land on Lots A and B within the project boundaries in accordance with all of the following:

- a. The population-based parks shall be designed and constructed in accordance with the City's Consultant Guide to Park Design, and any other applicable Park Development Standard Terms and Conditions, as determined by the Planning Department.
- b. The population-based parks shall be designed in accordance with City of San Diego Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects.
- c. All storm water facilities on park land granted to the City shall not impede recreational activities, including the maintenance of such facilities.
- d. The Owner/Permittee shall ensure Park Planning review and approval of construction plans for the public parks prior to implementation.
- e. Prior to the issuance of the first construction permit for a residential building, the Owner/Permittee shall provide a performance bond for the population-based park, to the satisfaction of the City Engineer.
- f. The population-based park shall be completed, with ownership transferred to the City - at no cost to City - prior to final inspection for the 500<sup>th</sup> residential dwelling unit, or within three years of the final inspection of the first residential dwelling, whichever occurs earlier.
- g. Construction of the park (and its associated infrastructure) is subject to prevailing wages unless the Owner/Permittee obtains a California Department of Industrial Relations Opinion Letter determining California's prevailing wage laws do not apply.

50. Prior to the issuance of the first construction permit for a residential building, the Owner/Permittee shall pay their fair share contribution toward the development's requirements to contribute toward recreation centers and aquatic complexes. The Owner/Permittee shall pay an ad hoc in-lieu fee, of \$239,284 to be deposited into the Developer Contributions -CIP Fund, Fund No. #200636, for recreation center and aquatic complex facilities needed to serve the development. This in lieu fee is applicable for additional residential units not accounted for the current Public Facilities Financing Plan (115 residential units). The in-lieu fee shall be subject to adjustment from the effective date of this Permit to the issuance date of first construction permit for a residential building, according to the Construction Cost Index in Los Angeles as published monthly in the "Engineering News-Record". If a new Citywide Park Development Fee that accounts for this development is adopted and in effect prior to the issuance of the first construction permit for a residential building, payment of this ad hoc in lieu fee shall not be required.

51. The Owner/Permittee shall provide a recreation easement for The Social Loop Trail and trail amenities on Lots C, D, F, Private Driveway 'A' and a part of Driveway 'P' on Lot H within the project boundaries as follows:

- a. The Owner/Permittee shall be responsible for all maintenance of the privately-owned facilities with a recreation easement in favor of the City in perpetuity in accordance with a Park Maintenance Agreement. The Owner/Permittee shall enter into the Park Maintenance Agreement with the City, to the satisfaction of the Parks and Recreation Director, prior to the issuance of the first construction permit for a residential building.
- b. No credit or reimbursement will be given to Owner/Permittee by the City for this easement.
- c. Title to the property on which recreational facilities are located may be vested in a non-profit corporation or Homeowners' Association, but restrictions must be placed on the land, ensuring its continued use for park and recreation purposes in perpetuity.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

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

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

54. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s)[BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

55. 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.

56. The Owner/Permittee shall grant water easement for the proposed above ground water meters as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.

57. The Owner/Permittee shall grant sewer and water easements and access easements as shown on the approved Exhibit "A," satisfactory to the Public Utilities Director and the City Engineer. Easements shall be located entirely within one lot or parcel and adjacent to the property line.

58. The Owner/Permittee shall grant water access easement to maintain the existing 24" transmission pipeline as shown on the approved Exhibit "A," satisfactory to the Public Utilities Director and the City Engineer.

59. Prior to any final inspection of a building structure the Owner/Permittee shall assure, by permit and bond the abandonment of the sewer main, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

60. No approved improvements or landscaping, including private water facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

61. 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.

62. The design for the proposed public water and sewer mains in the public roundabouts for all proposed intersections will be finalized during ministerial review.

**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 JUN 15 2021 and, pursuant to Resolution Number RR-313602.



Permit Type/PTS Approval No.:  
Planned Development Permit No. 2419770  
Site Development Permit No. 2073790

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Xavier Del Valle  
Development Project Manager  
Development Services Department

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

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**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.

**CARMEL PARTNERS LLC,**  
a Delaware Limited Liability Company  
Owner/Permittee

By \_\_\_\_\_

Print Name:  
Title:

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

Passed by the Council of The City of San Diego on JUN 15 2021, by the following vote:

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

Date of final passage JUN 15 2021.


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

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313602