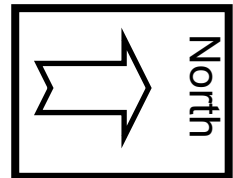


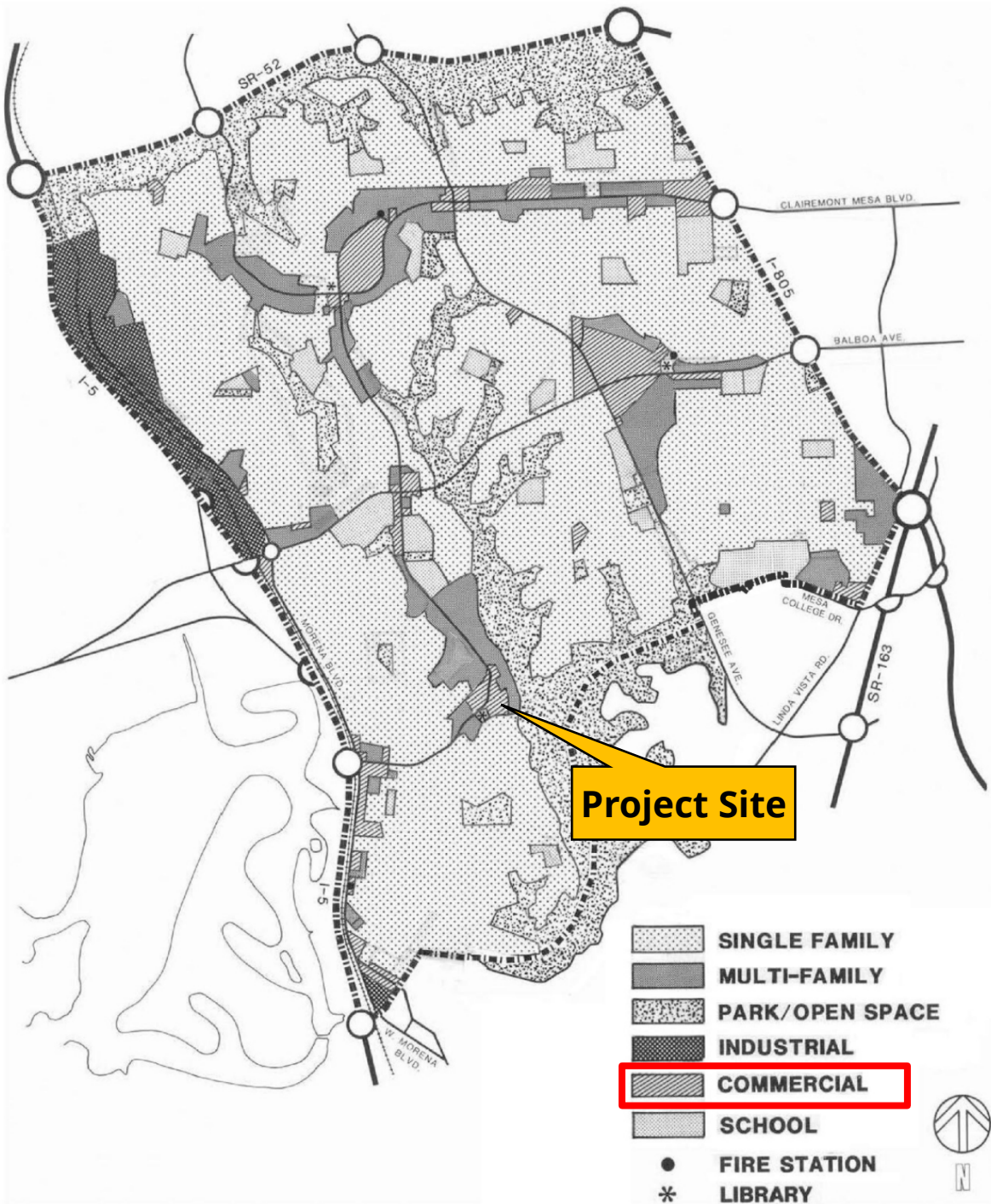


## Aerial Photograph

Clairemont Village

PRJ-0697307 - 3001-3089 Clairemont Drive

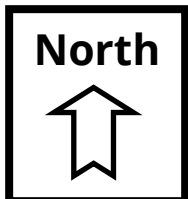


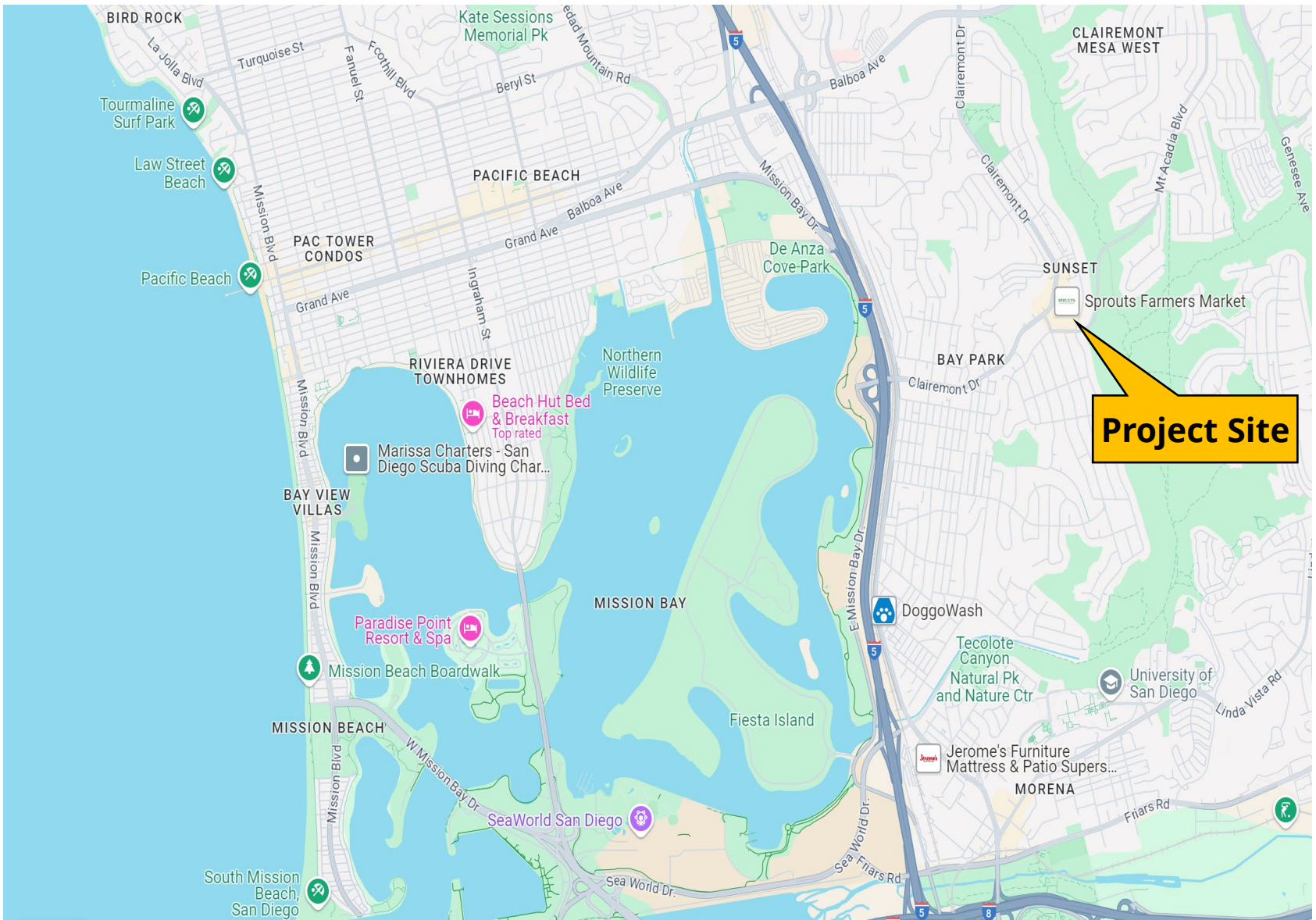


# Land Use Map

Clairemont Village

PRJ-0697307 - 3001-3089 Clairemont Drive

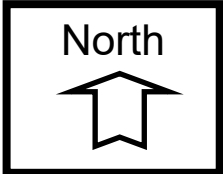




**Project Site**



**Location Map**  
**Clairemont Village**  
**PRJ-0697307 – 3001-3089 Clairemont Drive**



**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: 24009038

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. PMT-2596197  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT-3287755  
**CLAIREMONT VILLAGE - PROJECT NO. PRJ-0697307 [MMRP]**  
CITY COUNCIL

This Site Development Permit No. PMT-2596197 and Neighborhood Development Permit No. PMT-3287755 is granted by the City Council of the City of San Diego to Clairemont Village Quad, LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0502(e)(3) and 126.0503. The 12.96-acre site is located at 3001 through 3089 Clairemont Drive in the CC-1-3 Zone, Airport Land Use Compatibility Overlay Zone (Montgomery Field), Airport Influence Area – Review Area 2 (Montgomery Field), Federal Aviation Administration (FAA) Part 77 Noticing Area, Clairemont Mesa Height Limitation Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ)–Type B, and Very High Fire Hazard Severity Zone within the Clairemont Mesa Community Plan area. The project site is legally described as: Parcel A: Parcel 1 of Parcel Map No. 13891, 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, July 31, 1985, as Instrument No. 85-274379 of official records. Parcel B: Parcel 3 of Parcel Map No. 11146, 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, March 27, 1981, as Instrument No. 81-093895 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish retail and commercial space and to construct a seven-story multi-dwelling unit building 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 [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

- a. Rescinding Community Plan Implementation Overlay Zone Permit No. 90-0830;
- b. Demolition of approximately 3,770 square feet of retail commercial space to allow for a fire-access lane around a new five-story multi-dwelling unit building over two stories of parking;

- c. Construction of a new five-story 224-unit multi-dwelling unit building totaling 262,624 square feet over two stories of parking totaling 124,449 square feet. The five levels with multi-dwelling units will also include two outdoor courtyards with one of the courtyards including a lap pool, club area, two lounges, and a fitness center;
- d. Allowable deviations and exception from the development regulations pursuant to the following sections of the San Diego Municipal Code;
  - A deviation from SDMC section 131.0531 and Table 131-05E to allow a maximum structure height of 85 feet when the maximum structure height in the CC-1-3 Zone is 45 feet.
  - A deviation from SDMC Chapter 14, Article 02, Division 04 – Landscape Regulations to allow 2.67 acres to comply with the Landscape Regulations when 12.96 acres is required.
  - An exception from SDMC section 132.1305(a) to allow a maximum structure height of 85 feet when the maximum structure height in the Clairemont Mesa Height Limit Overlay Zone is 30 feet.
- e. Landscaping (planting, irrigation and landscape related improvements);
- 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 XXXX, 2027.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
  4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
  5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
  6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
  7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
  8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
  9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
- If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to

cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] outlined in Subsequent Mitigated Negative Declaration No. 697307/State Clearing House No. 2019060003 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Subsequent Mitigated Negative Declaration No. 697307/State Clearing House No. 2019060003, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Subsequent Mitigated Negative Declaration No. 697307/State Clearing House No. 2019060003 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:

Tribal Cultural Resources  
Transportation

14. Prior to issuance of the grading permit, the applicant/permittee shall provide the Environmental Designee (ED) a Concurrence Letter from the DEHQ VAP for the Cleanup Program Site (Local Case #DEH2022-LSAM-000709).

15. Prior to issuance of the building permits, the applicant/permittee shall provide the Environmental Designee (ED) a Closure/ No Further Action Letter from the DEHQ VAP for Cleanup Program Site (Local Case #DEH2022-LSAM-000709).

**ENVIRONMENTAL SERVICES /WASTE MANAGEMENT PLAN REQUIREMENTS:**

16. The Owner/Permittee shall comply with the Waste Management Plan dated September 2022 and shall be enforced and implemented to the satisfaction of the Environmental Services Department.

**CLIMATE ACTION PLAN REQUIREMENTS:**

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

**AFFORDABLE HOUSING REQUIREMENTS:**

18. Prior to issuance of any building permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code 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 23 affordable units with rent of no more than 30% of 60% of AMI for no fewer than 55 years.

**ENGINEERING REQUIREMENTS:**

19. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate additional Right-of-Way to provide a 10-foot curb-to-property-line distance, adjacent to the site on Cowley Way, satisfactory to the City Engineer.

20. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a City Standard bus stop slab, adjacent to the site on Clairemont Drive, satisfactory to the City Engineer.

21. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 30-foot driveway, adjacent to the site on Burgener Boulevard, satisfactory to the City Engineer.

22. Prior to the issuance of any building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

23. The drainage system for this project, per approved Exhibit 'A', will be subject to approval by the City Engineer.

24. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for all private encroachments located in the City's right-of-way and easements, satisfactory to the City Engineer.



25. Prior to the issuance of any building 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.

26. Prior to the issuance of any building 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.

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

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

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

**LANDSCAPE REQUIREMENTS:**

30. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

31. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

32. Prior to issuance of any construction permit for building (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)6.

33. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted 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.'

34. 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.

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

**GEOLOGY REQUIREMENTS:**

36. Prior to the issuance of any construction permits (either grading or building), the Owner/Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

37. 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.

**PLANNING/DESIGN REQUIREMENTS:**

38. 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.

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

40. 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**

41. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

42. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate 0.5 feet of right-of-way along the project frontage on Cowley Way and assure by permit and bond the reconstruction of the existing contiguous sidewalk to a 10-foot-wide parkway with a 5-foot wide non-contiguous sidewalk, curb, and gutter as shown on Exhibit 'A' per current City standards, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

43. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing curb ramp and curb line at the mid-block crossing, along the project frontage adjacent to the site on Cowley Way as shown on Exhibit 'A' per current City standards, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

44. Prior to the issuance of any building permit, the Owner/Permittee shall record a shared parking agreement to share 43 existing retail parking spaces with the proposed residential use in favor of all parcels within the project site, satisfactory to the City Engineer. Per SDMC 142.0545(a)(4), shared parking facilities shall provide signs on the premises indicating the availability of the facility for patrons of the participating uses.

45. At the intersection of Clairemont Drive/Burgener Boulevard, prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the following:

- Re-stripe to lengthen the exclusive northbound left turn pocket to provide a total storage length of 110 feet and lengthen the exclusive westbound left turn pocket to provide a total storage length of 145 feet via a signing and striping plan.

All improvements shall be completed and operational prior to first occupancy, per current City standards, satisfactory to the City Engineer.

46. At the intersection of Clairemont Drive/Iroquois Avenue, prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the following:

- Installation of pedestrian countdown signal heads and the installation of traffic signal heads with retroreflective backplates on all approaches via a traffic signal modification plan.

- Re-stripe to lengthen the exclusive northbound left turn pocket to provide a total storage length of 75 feet via a signing and striping plan.

All improvements shall be completed and operational prior to first occupancy, per current City standards, satisfactory to the City Engineer.

47. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond to re-stripe and lengthen the exclusive westbound right turn pocket at the intersection of Field Street and Burgener Boulevard to provide a total storage length of 110 feet and lengthen the exclusive southbound left turn pocket to provide a total storage length of 130 feet via a signing and striping plan per current City standards, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

48. Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall provide and maintain the following Vehicle Miles Traveled (VMT) reduction measures, totaling at least 5 points, in accordance with Mobility Choices Regulations (San Diego Municipal Code Chapter 14, Article 3, Division 11), Appendix T Mobility Choices Regulations: Implementation Guidelines, as shown on Exhibit 'A', satisfactory to the City Engineer.

- a. Provide long-term bicycle parking spaces at least 10 percent beyond the minimum requirements (2 points for each 10 percent beyond the minimum)
  - Long-term bicycle parking required = 100 spaces
  - Long-term bicycle parking provided = 110 spaces (2 points)
- b. Provide an on-site bicycle repair station (1.5 points/unit)
  - Two on-site bicycle repair stations will be provided (3 points)

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

49. Prior to any Building Construction Permit being issued, all proposed water and sewer facilities within the public right-of-way and/or public easement (as detailed on the Project's City approved Exhibit 'A' or within the Project's PUD approved Water and Sewer Studies) shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

50. Prior to any Certificate of Occupancy being issued:

ALL EXISTING AND PROPOSED WATER LINES SERVING THIS DEVELOPMENT (INCLUDING DOMESTIC, IRRIGATION, AND FIRE) MUST PASS THROUGH A PERMITTED, PRIVATE, ABOVE GROUND, BACKFLOW PREVENTION DEVICE (BFPD).

51. Prior to any Building Construction Permit being issued, any existing water service shown on Exhibit 'A' as TO BE RETAINED, which is subsequently determined to be inadequately sized, requires that the applicant obtain a permit for and construct the following: kill the existing water service line at the main, and install a new water service in a location acceptable to the Public Utilities Director and City Engineer. To ensure acceptability, the new main connection should be at least 30" from any

prior water service line connection, 5 feet from any driveway, and 10 feet from any active sewer lateral.

52. Prior to any Certificate of Occupancy being issued, any damages caused to the City of San Diego's public water and sewer facilities, which are due to the activities associated with this project, shall be repaired or reconstructed in a manner satisfactory to the Public Utilities Director and the City Engineer in accordance with Municipal Code section 142.0607.

53. Prior to any Certificate of Occupancy being issued, any private improvements which lie within a public ROW fronting the development, or within a public easement inside the development, which could inhibit the City's right to access, maintain, repair, or replace its public water and sewer facilities (as determined by the Public Utilities Director or the City Engineer) must be removed unless the Owner/Permittee has or obtains a City approved/County Recorded Encroachment and Maintenance Removal Agreement (EMRA) specific to that encroachment.

54. Prior to any Building Construction Permit being issued, all private sewer mains associated with the development which connect directly to a public sewer manhole must be located and labeled on an approved City Construction Record Drawing (D-sheet) so as to clearly convey all of the following: the sewer main's non-public status (PRIVATE), its nominal inside diameter, the type of material it is to be constructed of, and its authorization to encroach (i.e. the City approved EMRA #).

**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 [INSERT Approval Date] and [Approved Resolution Number].

**ATTACHMENT 4**

SITE DEVELOPMENT PERMIT NO. PMT-2596197  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT-3287755  
Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Benjamin Hafertepe  
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.

**CLAIREMONT VILLAGE QUAD, LLC, A  
CALIFORNIA LIMITED LIABILITY COMPANY**  
Owner/Permittee

By \_\_\_\_\_  
NAME:  
TITLE:

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

CITY COUNCIL RESOLUTION NO. \_\_\_\_\_  
SITE DEVELOPMENT PERMIT NO. PMT-2596197  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT-3287755  
RESCINDING COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT NO. 90-0830

**CLAIREMONT VILLAGE - PROJECT NO. PRJ-0697307 [MMRP]**

WHEREAS, Clairemont Village Quad, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a Neighborhood Development Permit and Site Development Permit to rescind Community Plan Implementation Overlay Zone Permit No. 90-0830, demolish approximately 3,770 square feet of retail commercial space to allow for a fire-access lane around a new five-story multi-dwelling unit building over two levels of parking, construction of a new five-story 224-unit multi-dwelling unit building totaling 262,624 square feet over two levels of parking totaling 124,449 square feet. The multi-dwelling unit building will also include two outdoor courtyards including a lap pool, a club area, two lounges, and a fitness center located at 3001 through 3089 Clairemont Drive, in the Clairemont Mesa Community Plan area in the CC-1-3 (Community—Commercial) Zone, Airport Land Use Compatibility Overlay Zone (Montgomery Field), Airport Influence Area – Review Area 2 (Montgomery Field), Federal Aviation Administration (FAA) Part 77 Noticing Area, Clairemont Mesa Height Limitation Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ)—Type B, and Very High Fire Hazard Severity Zone. The project site is legally described as Parcel A: Parcel 1 of Parcel Map No. 13891, 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, July 31, 1985, as Instrument No. 85-274379 of official records. Parcel B: Parcel 3 of Parcel Map No. 11146, 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, March 27, 1981, as Instrument No. 81-093895 of official records; and

WHEREAS, on August 8, 2024, the Planning Commission of the City of San Diego considered Site Development Permit No. PMT-2596197 and Neighborhood Development Permit No. PMT-3287755, and pursuant to Resolution No. **[INSERT Planning Commission Resolution Number]** -PC voted to recommend approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted 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, true, and accurate; and NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. PMT-2596197 and Neighborhood Development Permit No. 3287755:

**A. NEIGHBORHOOD DEVELOPMENT PERMIT [San Diego Municipal Code (SDMC) Section 126.0404 (a)]**

**1. Findings for all Neighborhood Development Permits:**

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



The subject property is a 12.96-acre parcel located at 3001 through 3089 Clairemont Drive . The site is located in the CC-1-3 (Commercial-Community) zone within the Clairemont Mesa Community Plan area. The area of impact for the proposed development is approximately 2.67 acres and allows for up to 376 multi-dwelling units on the property, as further described below.

The subject property contains an existing 124,083-square-foot shopping center with 666 parking stalls. The project proposes the redevelopment of 2.67 acres of the 12.96-acre parcel and would include the demolition of approximately 3,770 square feet of retail commercial space for the provision of a fire access lane and the construction of a 224-multi-dwelling unit building within five floors over two levels of parking. The residential component of the building would be 262,624 square feet and the parking component would be 124,449 square feet. Additionally, two outdoor courtyards would be provided, one of which would include a club area, two lounges, and a fitness center. Twenty-three (23) out of 224 units would be designated as affordable with rents of no more than 30% of 60% of area median income (AMI) for no fewer than 55 years.

516 retail parking spaces will remain for the shopping center, and approximately 342 parking spaces would be provided within the parking garage, with one level partially below-grade level and one at-grade level. However, 43 existing retail parking spaces will be shared with residents and their guests between the hours of 6 PM and 9 AM. Therefore, 385 parking spaces will be provided for residential use and meets the minimum parking requirement of 385 parking spaces per San Diego Municipal Code (SDMC) Table 142-005C – Minimum Required Parking Spaces for Multiple Dwelling Units and Related Accessory Uses. In total, the 12.96-acre site will have 858 parking spaces.

The project site has a General Plan land use designation of Commercial Employment, Retail, and Services (Community Commercial), and the Clairemont Mesa Community Plan designates the site as Commercial. Commercial Employment, Retail, and Services (Community Commercial) land uses provide for shopping areas with retail, service, civic, and office uses for the community at large within three to six miles. It can also be applied to transit corridors where multi-family residential uses could be added to enhance the viability of existing commercial uses. The proposed project site is part of a commercial shopping center, which is located along a major transit corridor (Clairemont Drive). The proposed project would enhance the viability of the existing commercial uses in the area.

The Clairemont Mesa Community Plan also identifies the project site as "Clairemont Village" and designates the total 12.96-acre site as Community Center within the Community Plan Implementation Overlay Zone (CPIOZ) -Type B. The community plan does not identify a specific residential density for mixed-use development, nor does it preclude residential development. As proposed, the project would introduce residential development resulting in "horizontal" mixed-use fashion at the

Clairemont Village site and would not affect the retention of existing commercial uses as the community center.

The property is zoned CC-1-3 which permits residential development at a density of 1 unit per 1,500 square feet (29 units/acre) of lot area pursuant to SDMC section 131.0531 and Table 131-05E. This would allow for up to 376 units on the 12.96-acre property or 29 units per acre. With the application of development regulations, engineering and building standards, and architectural design features, the proposed project would total 224 units, or one unit per 2,520 square feet of lot area (17 units per acre).

The project design is consistent with the community's land use plan through the provision of 224 multi-dwelling units and the maintenance of existing commercial and retail services. Policy HE-A.2 of the Housing Element encourages location and resource-efficient development whereby housing is located near employment, shopping, schools, recreation, transit, and walking/bicycling infrastructure. The project will implement this policy by locating close to facilities in the area including the following facilities identified near the project site: one elementary school (1-mile southwest), one middle school (1.3-miles northeast), a high school (1.4-miles north), Western Hills Park (1-mile south), and Clairemont Village Shopping Center (adjacent to the project site). The project site is located adjacent to one bus route that provides service to the north and south, including the Old Town Transit Center, and the project site is approximately 880 feet walking distance from the San Diego Metropolitan Transit System (SDMTS) Bus Route 105 northbound stop at the far side of the intersection of Clairemont Drive and Burgener Boulevard and approximately 925 feet walking distance from the SDMTS Bus Route 105 southbound stop at the far side of the intersection of Clairemont Drive and Burgener Boulevard. The project results in redevelopment within the CPIOZ B and complies with the Clairemont Mesa Community Plan to emphasize creating a pleasant and convenient shopping environment for future residents. Therefore, the proposed project 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 will not be detrimental to the public health, safety, and welfare because the permits controlling the development and use of the site requires compliance with City codes, policies, and other regional, state, and federal regulations. Construction plans will be reviewed by City Staff to ensure compliance with all building code regulations. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. The project will be inspected by certified building and engineering inspectors to assure construction is in accordance with approved plans and regulations.

The permit for the project includes conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions will avoid adverse impacts to the health, safety, and general welfare of persons residing or working in the surrounding area. Permit requirements include complying with the City of San Diego's Climate Action Plan Consistency Checklist; constructing a curb ramp adjacent to the site on Cowley Way; constructing a bus stop slab adjacent to the site on Clairemont Drive; constructing a 30-foot driveway adjacent to the site on Burgener Boulevard; incorporating construction Best Management Practices; submitting a Technical Report based on the Storm Water Standards; dedicating 0.5 feet of right-of-way along the project frontage on Cowley Way and reconstructing the existing contiguous sidewalk to a 10-foot wide parkway with a 5-foot wide non-contiguous sidewalk, curb, and gutter; reconstructing the existing curb ramp at the mid-block crossing along the project frontage on Cowley Way; restriping to lengthen the exclusive northbound left turn pocket to provide a total storage length of 110 feet and lengthen the exclusive westbound left turn pocket to provide a total storage length of 145 feet at the intersection of Clairemont Drive and Burgener Boulevard; installation of pedestrian countdown signal heads and the installation of traffic signal heads with retroreflective backplates on all approaches and restripe to lengthen the exclusive northbound left turn pocket to provide a total storage length of 75 feet at the intersection of Clairemont Drive and Iroquois Avenue; and re-striping to lengthen the exclusive westbound right turn pocket at the intersection of Field Street and Burgener Boulevard to provide a total storage length of 110 feet and lengthen the exclusive southbound left turn pocket to provide a total storage length of 130 feet.

The project will comply with the development conditions in effect for the subject property as described in Site Development Permit No. PMT-2596197 and Neighborhood Development Permit No. PMT-3287755, and other regulations and guidelines pertaining to the subject property per the Land Development Code.

Subsequent Mitigated Negative Declaration No. 693707/SCH No. 2019060003 has been prepared for the project in accordance with CEQA Guidelines section 15152 and 15168, which allows a lead agency to prepare a tiered environmental document to a broad Environmental Impact Report or Negative Declaration and concentrate the later tiered environmental document solely on the issues specific to the later project. The proposed project results in impacts to Transportation, Archaeological, and Tribal Cultural Resources, therefore, a Mitigation Monitoring and Reporting Program (MMRP) is required. However, implementation of the measures below would mitigate Vehicle Miles Traveled (VMT) impacts, Archaeological, and Tribal Cultural Resources to the extent feasible:

- Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall provide and maintain the following Vehicle Miles Traveled (VMT) reduction measures, totaling at least 5 points, in accordance with Mobility Choices Regulations (San Diego Municipal Code Chapter 14, Article 3, Division 11), Appendix T Mobility Choices Regulations: Implementation Guidelines, as shown on Exhibit 'A',

satisfactory to the City Engineer. Implementation of these VMT reduction measures would mitigate VMT impacts to the extent feasible.

1. Provide long-term bicycle parking spaces at least 10 percent beyond the minimum requirements (2 points for each 10 percent beyond the minimum)
    - Long-term bicycle parking required = 100 spaces
    - Long-term bicycle parking provided = 110 spaces (2 points)
  2. Provide an on-site bicycle repair station (1.5 points/unit)
    - Two on-site bicycle repair stations will be provided (3 points)
- In accordance with the requirements of PRC Section 21080.3.1, Assembly Bill (AB) 52, the City distributed notification letters on September 13, 2022, to the local Kumeyaay Native American Tribes that are traditionally and culturally affiliated with the project area. The City completed a consultation meeting with the San Pasqual Tribe on October 5, 2022. In the meeting, the San Pasqual Tribe requested tribal monitoring during grading to address concerns regarding Tribal Cultural Resources. An Archaeological Monitor and Native American Consultant/Monitor shall be present full-time during all soil disturbing and grading, excavation, and trenching activities which could result in impacts to Archaeological, and Tribal Cultural Resources.

Compliance with applicable local, state, and federal regulations along with permit conditions and implementation of project design features will result in a project which will not be detrimental to the public health, safety, and welfare. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

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

The proposed project is described in Neighborhood Development Permit (NDP) Finding A.1.a, incorporated by reference herein.

The proposed development is a permitted use as the CC-1-3 Zone (Commercial—Community) zone is intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented commercial streets. The CC-1-3 Zone permits a maximum density of one dwelling unit per 1,500 square feet of lot area (29 units/acre) pursuant to San Diego Municipal Code (SDMC) section 131.0531 and Table 131-05E. The 12.96-acre site allows for up to 376 units or 29 units per acre. The proposed project will contain 224 multi-dwelling units, or one unit per 2,520 square feet of lot area (17 multi-dwelling units per acre).

The project has been designed to conform to Community Plan Implementation Overlay Zone (CPIOZ)-Type B regulations which limit the use and site design. CPIOZ-Type B does not identify a specific residential density for mixed-use development, nor does it preclude residential development. As proposed, the project would introduce residential development resulting in "horizontal" mixed-use fashion at the Clairemont Village site and would not affect the retention of existing commercial uses as the community center. The proposed development is integrated with the existing shopping center to ensure compatibility in height, architecture and site design, signage, landscaping, and circulation. The proposed development will also be linked to the surrounding neighborhood by pedestrian access through well-defined entryways.

The project site is within the Clairemont Mesa Height Limit Overlay Zone which requires new structures or alteration of existing structures to have a maximum structure height of 30 feet. Since the proposed building will range in height from 65 feet to 85 feet, the project requires an exception from the Clairemont Mesa Height Limit through a Site Development Permit pursuant SDMC section 132.1306 that is subject to consideration by the City Council.

A Process 2 Neighborhood Development Permit per SDMC section 126.0603 (Reduced Permit and Processing for Affordable Housing, In-Fill Projects, and Sustainable Buildings) is required and granted for a reduced processing level since the development is consistent with the affordable housing, in-fill projects, and/or sustainable building regulations in SDMC section 143.0915 (a)(4) and the residential development will designate at least 10 percent of the dwelling units as affordable to households earning no more than 150 percent of area median income, as determined by the U.S. Department of Housing and Urban Development and published by the San Diego Housing Commission, for a period of at least 15 years. Twenty three out of 224 units would be designated as affordable with rents of no more than 30% of 60% of area median income (AMI) for no fewer than 55 years. The project may be permitted with a Neighborhood Development Permit with a reduced process level in accordance with Process Two, provided the findings in Section 126.0404(a) are made. In the event that deviations are requested, the supplemental findings in Section 126.0404(f) shall also be made. The project is requesting two deviations which are further described below.

SDMC section 131.0531 and Table 131-05E indicate the maximum structure height in the CC-1-3 Zone is 45 feet. The project is requesting a deviation to the maximum height requirements of the CC-1-3 Zone. Any proposed deviations that are requested as part of the project is processed through the approval of a NDP in accordance with SDMC section 126.0603. The first requested deviation is further described below:

- A deviation from SDMC section 131.0531 and Table 131-05E to provide a maximum structure height of 85 feet when the maximum structure height allowed in the CC-1-3 Zone is 45 feet.

SDMC Table 142-04A and §142.0410(a)(2)(A) – Landscape Regulations apply to the 12.96-acre project site since the proposed structure exceeds 1,000 square feet, is proposing Multiple Dwelling Unit Residential Development, and since the gross floor area on the whole of the site is increasing by over 100%. The area of impact for the proposed project currently includes a surface parking lot and a portion of an existing commercial building totaling 2.67 acres within the 12.96-acre shopping center.

The project applicant is requesting a second deviation from the Landscape Regulations to limit the required landscaping to only cover 2.67 acres instead of the full 12.96-acre site. The second requested deviation is further described below:

- A deviation from SDMC Table 142-04A and §142.0410(a)(2)(A) to limit landscape requirements to 2.67-acres of the site to comply with the Landscape Regulations for new development when 12.96 acres is required.

Within the 2.67-acre area of work, the proposed development will provide new landscaping consistent with the regulations of SDMC sections 142.0403 - 142.0407, 142.0409, and 142.0413. This includes street yard planting, remaining yard planting, vehicular use area planting, street trees, and water conservation methods.

The portions of the 12.96-acre Clairemont Village Shopping Center outside of the current 2.67-acre area of development have previously undergone remodeling which included several upgrades to site landscaping consistent with the landscape regulations. No additional landscape are proposed outside of the area of development.

The requested exception for the Clairemont Mesa Height Limit to exceed the 30-foot height limit which requires a Site Development Permit and the first requested deviation to allow a maximum structure height of 85 feet instead of 45 feet as required for development within the CC-1-3 Zone which requires a Neighborhood Development Permit will result in a multi-dwelling unit structure which serves as a transition between the tallest building (Sorrento Towers) located to the east of the project site which stands at 180 feet and the existing single-level commercial structures abutting the site to the west.

The requested exception to the Clairemont Mesa Height Limit to exceed a maximum height limit of 30 feet, and the deviations to exceed the maximum structure height of 45 feet allowed in the CC-1-3 Zone, and only the area of impact totaling 2.67 acres to comply with the Landscape Regulations has been reviewed as they relate to the proposed project and the impact on the surrounding community. The requested exception and deviations are appropriate and will result in a project that efficiently utilizes the subject property, provide on site affordable housing and provides a use consistent with the Commercial designation of the Clairemont Mesa Community Plan. Therefore, the proposed development will comply with the applicable

regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

**2. Supplemental Findings - Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation [San Diego Municipal Code (SDMC) Section 126.0404 (f)]**

**a. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable building opportunities.**

The project is described in NDP finding A.1.a, incorporated by reference herein. The project site has a General Plan land use designation of Commercial Employment, Retail, and Services (Community Commercial), and the Clairemont Mesa Community Plan designates the site as Commercial. Commercial Employment, Retail, and Services (Community Commercial) land uses provide for shopping areas with retail, service, civic, and office uses for the community at large within three to six miles. It can also be applied to transit corridors where multi-family residential uses could be added to enhance the viability of existing commercial uses. The Clairemont Mesa Community Plan also identifies the project site as "Clairemont Village" and designates the total 12.96-acre site as Community Center within the Community Plan Implementation Overlay Zone (CPIOZ) - Type B. The community plan does not identify a specific residential density for mixed-use development, nor does it preclude residential development. The project proposes the construction of a multi-family housing development with 224 dwelling units consisting of 28 studios (530 SF), 103 one-bedroom units (605 SF – 904 SF), and 85 two-bedroom units (971 – 1,278 SF) and 8 three-bedroom units (1,315 SF – 1,685 SF). The on-site affordable housing units will include 10 percent (23 units) of the units provided at 30% of 60% area median income (AMI) for no fewer than 55 years. The proposed infill development at the underutilized site contributes to the housing stock of affordable housing dwelling units that are diverse housing opportunities at a variety of income levels near community resources such as regional transit, healthcare services, shopping areas and employment centers. As such the proposed development would be provided in conformance with the goals and policies of the Housing Element of the General Plan which include Goal 1: Facilitate the Construction of Quality Housing, Goal 2: Improve the Existing Housing Stock, and Goal 3: Provide New Affordable Housing.

**b. Any proposed deviations are appropriate for the proposed location.**

The project is described in NDP finding A.1.a, incorporated by reference herein. The project site is an infill development proposed on an underutilized site consisting of a surface parking lot located at 3901 through 3089 Clairemont Drive. The project site is within the Clairemont Mesa Community Plan area and CPIOZ-B. Surrounding development includes the Clairemont Village shopping center to the west, one and two-story single-dwelling units to the south, two and three-story multi-dwelling unit buildings to the north, and Sorrento Tower high-rise building to the east.

The project is requesting two deviations to allow for an increase in building height and only the area of impact to comply with the Landscape Regulations, described in NDP finding A.1.c, incorporated by reference herein. The purpose of the Affordable

Housing, In-Fill Projects, and Sustainable Buildings Development Regulations is to provide flexibility in the application of development regulations for qualifying project types while assuring that development achieves the purpose and intent of the applicable land use plan. Maximizing housing within this infill development site furthers the General Plan and Clairemont Mesa Community Plan goals and policies related to the provision of housing. The requested deviation is necessary due to site constraints, to maximize the density of market rate and affordable dwelling units, and to maintain the architectural character of the project. Other than the requested deviation the proposed project is in conformance with the applicable regulations and policy documents and consistent with the land use and development standards in effect for the subject property per the SDMC. Therefore, the proposed deviations are appropriate for the project location.

**B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505(a) and (j)]**

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

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

As outlined in Neighborhood Development Permit Finding No. A.1.a listed above, the proposed development will not adversely affect the applicable land use plan.

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

As outlined in Neighborhood Development Permit Finding No. A.1.b listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

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

As outlined in Neighborhood Development Permit Finding No. A.1.c listed above, the proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

**2. Supplemental Findings - Clairemont Mesa Height Limit**

**a. The granting of an exception will not significantly interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area.**

The project is located at 3001 through 3089 Clairemont Drive in San Diego. The 12.96-acre Clairemont Village Shopping Center is bounded by multi-family residences



to the north, Cowley Way to the east, Field Street to the south, Burgener Boulevard to the southwest, and Clairemont Drive to the northwest. The residential apartment building area of impact is in the easternmost portion of the shopping center in a currently underutilized surface parking lot area. Existing land uses directly surrounding the area of impact include two and three-story multi-family residences over parking to the north; the 14-story Sorrento Tower high-rise residential building to the east across Cowley Way; one- and two-story single-family residences to the south across Field Street; and the existing, single-level commercial uses to the west within the Clairemont Village shopping center and along the south side of Burgener Boulevard.

The Clairemont Village Shopping Center is situated one block west of the top of the ridge line that follows along the western edge of Tecolote Canyon. There are no public view corridors of Mission Bay or the Pacific Ocean near or on the project site along Cowley Way, Field Street, or Burgener Boulevard. Distant, southerly public views along Clairemont Drive will not be impacted by the proposed residential building. Public views to the east across the canyon will not be impacted by the proposed residential building. Therefore, the granting of the height exception for the proposed project will not significantly interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area.

**b. The granting of an exception is appropriate because there are existing structures over 30 feet in height and the proposed development will be compatible.**

The granting of an exception is appropriate because there are existing structures over 30 feet in height and the proposed development will be compatible with surrounding one, two, or three-story structures. Existing land uses directly surrounding the area of impact include two and three-story multi-family residences over parking to the north, the 14-story Sorrento Tower senior residential building to the east across Cowley Way, one- and two-story single-family residences to the south across Field Street, and the existing single-level commercial uses to the west within the Clairemont Village Shopping Center.

At 14 stories and approximately 180 feet, the Sorrento Tower senior residential building is substantially taller than the surrounding residential properties. The properties to the north of the project site rise in elevation along Cowley Way, with at-grade elevations approximately 15 to 30 feet above the proposed project site grade level. Thus, with 15 to 30 feet of grade difference plus 30 to 40 feet of building height, these buildings will appear to be between 45 and 70 feet in height in relation to the project site. The proposed five-story multi-family residential apartment project over two levels of parking will range in height from approximately 65 feet (to the north at the Cowley Way driveway) to 78-79 feet (along Field Street) to the top of parapet with a maximum height of approximately 85 feet to the top of the stair towers/elevator shafts are approximately 80 feet and will therefore be compatible in height with the surrounding properties to the north and east. The project will serve as a transition between the tallest building (Sorrento Tower) and the large, though

single-level, commercial structures abutting the site to the west in the existing shopping center. This transition will also establish residential uses between the shopping center and the existing single-family neighborhoods to the south across Field Street. Therefore, the granting of an exception is appropriate because there are existing structures over 30 feet in height and the proposed development will be compatible.

Approval of the Site Development Permit Part rescinds Community Plan Implementation Overlay Zone Permit No. 90-0830.

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 Site Development Permit No. PMT-2596197 and Neighborhood Development Permit No. PMT-3287755 are granted to Clairemont Village Quad, LLC, a California Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
ADOPTING SUBSEQUENT MITIGATED NEGATIVE DECLARATION  
NO. 0697307/SCH. NO. 2019060003 TO PROGRAM  
ENVIRONMENTAL IMPACT REPORT SCH NO. 2019060003, AND  
ADOPTING THE MITIGATION MONITORING AND REPORTING  
PROGRAM FOR THE CLAIREMONT VILLAGE PROJECT - PRJ-  
0697307.**

WHEREAS, the City of San Diego Planning Department analyzed the amendments to the San Diego Municipal Code and Land Development Manual to adopt two new ordinances and associated discretionary actions, collectively referred to as Complete Communities: Housing Solutions and Mobility Choices (Complete Communities); and

WHEREAS, on November 17, 2020, the Council of the City of San Diego adopted San Diego Resolution R-313279, certifying the Program Environmental Impact Report State Clearinghouse (SCH) No. 2019060003, and adopting the Findings and Statement of Overriding Considerations, copies of which are on file in the Office of the City Clerk 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.); and

WHEREAS, on May 19, 2022, Clairemont Village Quad, LLC, submitted an application to the Development Services Department for approval of a Neighborhood Development Permit, Site Development Permit and Easement Vacation for Clairemont Village (Project); and

WHEREAS, State CEQA Guidelines section 15152 allows for a lead agency to prepare a tiered environmental document to a broader Environmental Impact Report and concentrating the later tiered environmental document solely on the issues specific to the later project; and

## ATTACHMENT 6

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council of the City of San Diego on [Month Day, Year]; 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 Office of the City Attorney has drafted 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, true, and accurate; and

BE IT RESOLVED, by the City Council of the City of San Diego as follows:

1. That the information contained in the final Program Environmental Impact Report SCH No. 2019060003 along with the Subsequent Mitigated Negative Declaration thereto, including any comments received during the public review process, has been reviewed and considered by the City Council of the City of San Diego prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the final Program Environmental Impact Report SCH No. 2019060003 for the Project.

## ATTACHMENT 6

3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the final Program Environmental Impact Report SCH No. 2019060003 or that any significant effects previously examined will be substantially more severe than shown in the final Program Environmental Impact Report SCH No. 2019060003.

4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.

5. That Subsequent Mitigated Negative Declaration has been prepared pursuant to State CEQA Guidelines Section 15168(d), and therefore, the City Council of the City of San Diego adopts Subsequent Mitigated Negative Declaration to the final Program Environmental Impact Report SCH No. 2019060003, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that pursuant to CEQA Section 21081.6, the City Council of the City of San Diego adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council of the City of San Diego in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project. APPROVED:

Mara Elliott, City Attorney

By:

[NAME], [DEPUTY CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

DRAFT

## EXHIBIT A

## MITIGATION MONITORING AND REPORTING PROGRAM

## NEIGHBORHOOD DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT AND EASEMENT VACATION

Clairemont Village (PRJ-0697307)

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. The project shall be required to comply with the applicable mitigation measures outlined within the Mitigation Monitoring and Reporting Program (MMRP) of the previously certified PEIR (No. 0647676, SCH No. 2019060003). The following MMRP identifies measures that specifically apply to this project based on the Mitigated Negative Declaration. All mitigation measures below shall be made conditions of Neighborhood Development Permit and Site Development Permit.

**A. GENERAL REQUIREMENTS – PART I****Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for any construction permits, such as Demolition, Grading, or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve Construction Documents (CD) (plans, specification, details, etc.) to ensure the applicable MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:  
<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II****Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRECONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

**Qualified Archaeologist**

**Qualified Native American Monitor**

**Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.**

CONTACT INFORMATION:

- a. The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division – 858-627-3200
  - b. For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This project, Project Tracking System (PTS) No. 697307 and /or Environmental Document No. 697307, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

**Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**
  3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency. **Not Applicable**
  4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the



construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

**Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

**5. OTHER SUBMITTALS AND INSPECTIONS:**

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

<b>Document Submittal/Inspection Checklist</b>		
<b>Issue Area</b>	<b>Document Submittal</b>	<b>Associated Inspection/Approvals/Notes</b>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Tribal Cultural Resources	Archaeology Reports	Archaeology/Historic Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

**TRIBAL CULTURAL RESOURCES**

**I. Prior to Permit Issuance**

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as

defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

### **II. Prior to Start of Construction**

#### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site-specific records search (1/4-mile radius) has been completed. Verification includes but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

#### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

- b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

#### A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly **(Notification of Monitoring Completion)**, and in the case of ANY discoveries. The RE shall forward copies to MMC.

#### B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
  - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

**IV. Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5I, the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

**B. Isolate discovery site**

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

**C. If Human Remains ARE determined to be Native American**

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site; OR;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface distribution THEN,
  - c. In order to protect these sites, the Landowner shall do one or more of the following:
    - (1) Record the site with the NAHC;
    - (2) Record an open space or conservation easement on the site;
    - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information

required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

**V. Night and/or Weekend Work**

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
  - a. **No Discoveries:** In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
  - b. **Discoveries:** All discoveries shall be processed and documented using the existing procedures detailed in Sections I-I - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
  - c. **Potentially Significant Discoveries:** If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section I-I - During Construction and IV-Discovery of Human Remains shall be followed.
  - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

- B. If night and/or weekend work becomes necessary during the course of construction
  - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

**VI. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report
    - b. Recording Sites with State of California Department of Parks and Recreation: The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
  - 2. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report.
  - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  - 4. MMC shall provide written verification to the PI of the approved report.
  - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
  - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
  - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
  3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

**TRANSPORTATION/CIRCULATION**

Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall provide and maintain the following Vehicle Miles Traveled (VMT) reduction measures, totaling at least 5 points, in accordance with Mobility Choices Regulations (San Diego Municipal Code Chapter 14, Article 3, Division 11), Appendix T Mobility Choices Regulations: Implementation Guidelines, as shown on Exhibit 'A', satisfactory to the City Engineer. Implementation of these VMT reduction measures would mitigate VMT impacts to the extent feasible.

1. Provide long-term bicycle parking spaces at least 10 percent beyond the minimum requirements (2 points for each 10 percent beyond the minimum)
  - Long-term bicycle parking required = 100 spaces
  - Long-term bicycle parking provided = 110 spaces (2 points)
2. Provide an on-site bicycle repair station (1.5 points/unit)
  - Two on-site bicycle repair station will be provided (3 points)



RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION TO VACATE A PORTION OF A 10-FOOT-WIDE UNNAMED EASEMENT TOTALING 1,756 SQUARE FEET LOCATED AT 3001 THROUGH 3089 CLAIREMONT DRIVE (LEGALLY DESCRIBED AS A PORTION OF PARCEL 1, MAP NO 13891, AND MORE PARTICULARLY UNNAMED EASEMENT DEDICATED TO THE PUBLIC PER MAP NO. 3065 RECORDED MARCH 17, 1954);

**EASEMENT VACATION NO. PMT-2605866**

**PROJECT NO. PRJ-0697307**

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public service easements by City Council resolution; and

WHEREAS, Clairemont Village Quad, LLC, a California Limited Liability Company filed an application to vacate a portion of a 10-foot-wide unnamed easement totaling 1,756square feet granted to the City of San Diego for incidental purposes, legally described as being a portion of Parcel 1 according to Map No. 13891, and more particularly described as a 10-foot unnamed easement granted to the public per Map No. 3065 recorded March 17, 1954, being described as Easement Vacation No. PMT-2605866; and

WHEREAS, Easement Vacation No PMT-2605866 is located on property owned by Clairemont Village Quad, LLC.; 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and 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 \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted 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, true, and accurate; and NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Easement Vacation No. PMT-2605866, the Council finds that:

**(a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.**

The portion of the unnamed easement totaling 1,756 square feet to be vacated is located at the easterly portion of the property located at 3005 Clairemont Drive. The other portions of the unnamed easement will remain in existence as identified on Exhibit B. The purpose of the easement is stated to be "for incidental purposes." The portion of the existing easement to be vacated was used by San Diego Gas & Electric Company, AT&T, and Spectrum and will no longer be needed. The proposed redevelopment of the project site requires a portion of the easement to be vacated to allow the partial demolition of retail commercial space and the construction of a fire-access lane for a new five-story multi-dwelling unit building over two stories of parking. The City will not be responsible for maintaining the area of the portion of the unnamed easement to be vacated. Therefore, there is no present or prospective public use for the easement, either for the facility or

purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

**(b) The public will benefit from the action through improved utilization of the land made available by the vacation.**

The project proposes to vacate a portion of an existing unnamed easement, granted to the City of San Diego, located within the property at 3005 Clairemont Drive in the Clairemont Mesa Community Plan area. The unnamed easement was granted to the City of San Diego for incidental purposes. The portion of the existing easement to be vacated totals 1,756 square feet and was used by San Diego Gas & Electric Company, AT&T, and Spectrum. The portion of the existing easement to be vacated is no longer needed and will be removed. There are no public facilities that will be impacted by this easement vacation. The public will benefit from the easement vacation since it will eliminate an unnecessary encumbrance from the property. The elimination of the easement that is no longer needed would facilitate a more productive use of the property in the by the project. The land made available by the vacation will improve development of the property consistent with the Clairemont Mesa Community Plan, in that the vacation would allow the development of the project site consistent with the Community Plan's land use designation of Clairemont Village. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

**(c) The vacation is consistent with any applicable land use plan.**

The Clairemont Community Plan identifies the project site as "Clairemont Village" and designates the 12.96-acre site as Community Center and within the Clairemont Community Plan Implementation Overlay Zone (CPIOZ) -Type B. The proposed easement vacation would facilitate more productive use of the property, and the development of the site consistent with the adopted

Clairemont Mesa Community Plan. Therefore, the vacation is consistent with the applicable land use plan.

**(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.**

The existing unnamed easement was granted to the City of San Diego in 1954 for incidental purposes. The existing easement was used by San Diego Gas & Electric Company, AT&T, and Spectrum. The dry utilities will be rerouted along the perimeter of the new five-story multi-dwelling unit building over two levels of parking, therefore the easement is no longer needed and will be removed. There are no public facilities that will be impacted by this easement vacation. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that Easement Vacation No. PMT-2605866, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 42615-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following condition(s) which are made a part of this resolution:

- The Easement Vacation shall be recorded once the City receives written confirmation that the utility easement is no longer needed by existing users (SDG&E, Spectrum, and AT&T) and after new, relocated lines are installed and operating.

**ATTACHMENT 7**

(R-[Reso Code])

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: MARA W. ELLIOTT, City Attorney

By \_\_\_\_\_  
[Attorney]  
Deputy City Attorney

[Initials]:[Initials]  
[Month]/[Day]/[Year]  
Or.Dept:[Dept]  
Document No.

DRAFT

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**UNNAMED EASEMENT VACATION**

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 13891, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 31, 1985 AS INSTRUMENT NO. 85-274379 OF OFFICIAL RECORDS, SAID PORTION BEING A 10.00 FOOT WIDE UNNAMED EASEMENT ACCEPTED BY THE CITY OF SAN DIEGO AS DEDICATED FOR PUBLIC USE ON MAP OF CLAIREMONT PLAZA, ACCORDING TO MAP THEREOF No. 3065, RECORDED MARCH 17, 1954 AS FILE No. 34269, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BOTH IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERLY CORNER OF LOT 2 OF SAID MAP No. 3065, SAID CORNER ALSO BEING THE BEGINNING OF A 970.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID BEGINNING BEARS SOUTH 75° 28'55" EAST; THENCE SOUTHWESTERLY 144.33 FEET ALONG SAID CURVE AND THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 2 THROUGH A CENTRAL ANGLE OF 08°31'31" TO THE NORTHEASTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT, BEING THE **TRUE POINT OF BEGINNING**, A RADIAL LINE TO SAID POINT BEARS SOUTH 66°57'24" EAST;

THENCE CONTINUING SOUTHWESTERLY 10.00 FEET ALONG SAID CURVE AND SAID SOUTHEASTERLY PROPERTY LINE THROUGH A CENTRAL ANGLE OF 00°35'26" TO THE SOUTHWESTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT, TO WHICH A RADIAL LINE BEARS SOUTH 66°21'58" EAST;

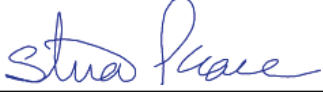
THENCE LEAVING SAID CURVE AND SAID SOUTHEASTERLY PROPERTY LINE, NORTH 66°25'00" WEST 168.51 FEET ALONG THE SOUTHWESTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT;

THENCE LEAVING SAID SOUTHWESTERLY SIDELINE, NORTH 31°11'29" WEST 17.34 FEET TO A POINT ON THE NORTHEASTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT;

THENCE ALONG SAID NORTHEASTERLY SIDELINE, SOUTH 66°25'00" EAST 182.63 FEET TO THE TRUE POINT OF BEGINNING.

THE HEREIN ABOVE-DESCRIBED AREA CONTAINS 1,756 SQ. FT. (0.040 ACRE), MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 42615-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

  
\_\_\_\_\_  
Stuart Peace RCE 27232


6-20-2024  
Date



PTS: 697307  
DWG: 42615-B  
IO: 24009038

EXHIBIT "B"

LEGEND

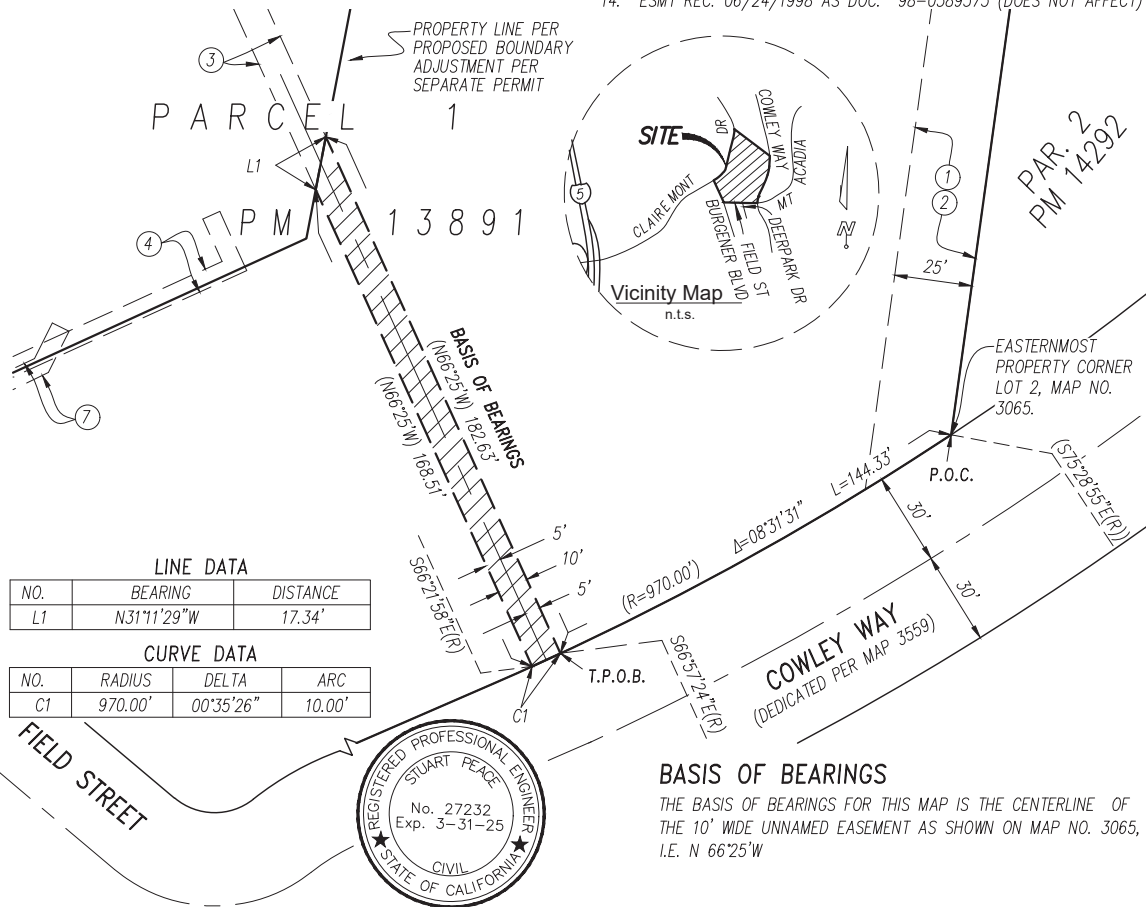
- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
-  INDICATES PORTION 10' WIDE UNNAMED EASEMENT PER MAP NO.3065, O.R. VACATED (CONTAINING 1756 SQ. FT.)
- ( ) INDICATES RECORD DATA PER MAP NO. 3065
- INDICATES EXISTING EASEMENT
- INDICATES PROPERTY LINE
- INDICATES RIGHT-OF-WAY LINE
- (R) INDICATES RADIAL

EXISTING EASEMENTS

- ① ESMT REC. 10/02/1951 IN BK4251 PG549
- ② ESMT REC. 09/02/1953 IN BK4973 PG389
- ③ ESMT PER MAP 3065 (10' WIDE)
- ④ ESMT REC. 09/24/1954 INC BK5374 PG502
5. ESMT REC. 09/19/1960 AS DOC. 187788 (NOT PLOTTABLE)
6. ESMT REC. 11/23/1977 AS DOC. 485783 (NOT PLOTTABLE)
- ⑦ ESMT REC. 02/24/1982 AS DOC. 82-50236
8. ESMT REC. 02/02/1983 AS DOC. 83-35377 (NOT PLOTTABLE)
9. ESMT REC. 10/10/1985 AS DOC. 85-376785 (NOT PLOTTABLE)
10. ESMT REC. 07/28/1992 AS DOC. 92-470866 (NOT PLOTTABLE)
11. ESMT REC. 09/10/1992 AS DOC. 92-574543 (NOT PLOTTABLE)
12. ESMT REC. 08/17/1993 AS DOC. 93-536177 (DOES NOT AFFECT)
13. ESMT REC. 09/02/1994 AS DOC. 94-528977 (NOT PLOTTABLE)
14. ESMT REC. 06/24/1998 AS DOC. 98-0389375 (DOES NOT AFFECT)

REFERENCE DWGS.

MAP NO. 3065  
PARCEL MAP NO. 13891



LINE DATA

NO.	BEARING	DISTANCE
L1	N31°11'29"W	17.34'

CURVE DATA

NO.	RADIUS	DELTA	ARC
C1	970.00'	00°35'26"	10.00'



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS THE CENTERLINE OF THE 10' WIDE UNNAMED EASEMENT AS SHOWN ON MAP NO. 3065, I.E. N 66°25'W

LANDMARK CONSULTING  
2521 PALOMAR AIRPORT RD. STE. 105-757  
CARLSBAD, CA 92011  
(858) 587-8070

*Stuart Peace*  
STUART PEACE, RCE 27232

06-20-2024  
DATE


RESOLUTION NO.: \_\_\_\_\_  
DATED ADOPTED: \_\_\_\_\_  
DOCUMENT NO.: \_\_\_\_\_  
RECORDED: \_\_\_\_\_

10' WIDE UNNAMED EASEMENT VACATION  
OVER A PORTION OF PARCEL 1, PARCEL MAP NO. 13891 AS  
DEDICATED ON MAP OF CLAIREMONT PLAZA, MAP NO. 3065.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P. T. S. 697307
ORIGINAL	L. C.				SHEET 1 OF 1 SHEET	1868-6269
					<i>Frederick R. L. Pay</i> 6/25/2024 FOR CITY LAND SURVEYOR DATE	CCS 83 COORDINATES
						228-1709
						LAMBERT COORDINATES
						42615-B

STATUS



Page 3	City of San Diego · Information Bulletin 620	August 2018
	<b>City of San Diego Development Services</b> 1222 First Ave., MS-302 San Diego, CA 92101	<b>Community Planning Committee Distribution Form</b>
	Project Name: Clairemont Village Multi-Family Development	Project Number: 697307
Community: Clairemont Mesa		
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>		
<input type="checkbox"/> Vote to Approve <input checked="" type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny		Date of Vote: October 18, 2022
# of Members Yes 6	# of Members No 1	# of Members Abstain
Conditions or Recommendations: Motion to recommend the project for approval conditioned upon compliance with SD Municipal Code 131.0552 regarding transparency. Additionally, the applicant should be required to bring the entire 12+ acre site into compliance with SD Municipal Code Chapter 14, Article 2, Division 4 landscape regulations. If feasible, the applicant should implement a shuttle to take residents from the project site to the trolley station at Morena Blvd and Clairemont Drive.		
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		
NAME: Nicholas William Reed		
TITLE: Clairemont Community Planning Group Chair		DATE: October 19, 2022
<p align="center"><i>Attach additional pages if necessary (maximum 3 attachments).</i></p>		

Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

Accounting requested by  
and mail to:  
City of San Diego  
Planning Department  
202 ...  
San Diego, CA 92101-3863

PLANNING RESOLUTION NO. 8885  
COMMUNITY PLAN IMPLEMENTATION  
OVERLAY ZONE PERMIT (CPIOZ)

1508

WHEREAS, CONNECTICUT MUTUAL LIFE INSURANCE, a Connecticut corporation, Owner/Permittee, filed an application for a CPIOZ Permit to develop subject property located at Clairemont Drive and Burgener Boulevard within the Clairemont Mesa Community Planning area, described as Parcel 1 and 3, Parcel Map 13891, in the CA Zone; and

WHEREAS, on February 20, 1991, the Planning Director of the City of San Diego considered CPIOZ Permit No. 90-0830 pursuant to Section 105.0200 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

- 1. That the Planning Director adopts the following written Findings, dated February 20, 1991.

**FINDINGS:**

- a. The proposal to construct a new approximately 9,600-square-foot building, will fulfill a community need and will not adversely affect the General Plan or Community Plan. The proposal, with the required conditions of approval, will meet the goals of the Clairemont Mesa Community Plan and thereby, better serving the surrounding community.
- b. The proposed use, because of the conditions that have been applied to it, will not be detrimental to health, safety and general welfare of person residing or working in the area, and will not adversely affect other property in the vicinity. The new building and enhancement of the existing center better the general welfare of the area by adding additional services and increasing the landscaping throughout the existing center.
- c. The proposed use will comply with the relevant regulations of the CA Zone and the Clairemont Mesa Community Plan Implementation Overlay Zone regulations which include, parking, landscaping, signage and pedestrian orientation.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Director, Community Plan Implementation Overlay Zone Permit No. 90-0830 is hereby GRANTED to Connecticut Mutual Life Insurance, Owner/Permittee, in the form and with the

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OFFICIAL RECORDS, SAN DIEGO COUNTY, ANNETTE J. EVANS, RECORDER


PD RESO. NO. 8885/8886

PD CPIOZ PERMIT NO. 90-0830

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terms and conditions as set forth in Community Implementation Overlay Zone Permit No. 90-0830, a copy of which is attached hereto and made a part hereof.



Kirk Dakan  
Senior Planner

Adopted on: February 20, 1991

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OFFICIAL RECORDS, SAN DIEGO COUNTY, ANNETTE J. EVANS, RECORDER

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RESOLUTION NUMBER R- 8886

ADOPTED ON February, 20 1991

WHEREAS, on August 20, 1990, CONNECTICUT MUTUAL INSURANCE COMPANY, a Connecticut corporation, Owner/Permittee, submitted an application to the Planning Department for a Community Plan Implementation Overlay Zone Permit and a Planned Commercial Development Permit; and

WHEREAS, the permits were set for a public hearing to be conducted by the Planning Director of the City of San Diego; and

WHEREAS, the issues were heard by the Planning Director on February 20, 1991; and

WHEREAS, the Planning Director of the City of San Diego considered the issues discussed in Negative Declaration No. 90-0830; NOW THEREFORE,

BE IT RESOLVED, by the Planning Director of the City of San Diego, that it is hereby certified that Negative Declaration No. 90-0830 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Director.

BE IT FURTHER RESOLVED that the Planning Director finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

Kirk Dakan  
Kirk Dakan  
Senior Planner

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## COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT NO. 90-0830

This Community Plan Implementation Overlay Zone Permit No. 90-0830 is granted by the Planning Director of the City of San Diego to CONNECTICUT MUTUAL LIFE MUTUAL INSURANCE, a Connecticut Corporation, Owner/Permittee, for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0457 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to the owner/permittee to construct, operate and maintain a new one-story, approximately 9,600-square-foot building on a 12.95-acre site located at Clairemont Drive and Burgener Boulevard in the CA Zone. The site is more particularly described as Parcel One and Three of Parcel map No. 13891.
2. The Community Plan Implementation Overlay Zone Permit shall consist of the following:
  - a. One, new one-story, approximate 9,600-square-foot building;
  - b. Six hundred forty-eight (648) parking spaces;
  - c. Landscaping; and
  - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Not fewer than 648 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated February 20, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.
4. The subject property shall be maintained in a neat and orderly fashion at all times.
5. Sign identification shall consist of the following:
  - a. (As shown in Exhibit "A").
6. Prior to the issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A," dated February 20, 1991, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and building plans except

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where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendments of this permit or findings of substantial conformance shall have been approved and granted.

7. Prior to the issuance of any grading or building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A," dated February 20, 1991, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration. Plant materials shall be maintained in a healthy growing condition at all times. All landscape areas shall be maintained in a weed and litter free condition at all times.

8. Construction and operation of the approved permit shall comply at all times with the regulations of this or other governmental agencies.

9. This Community Plan Implementation Overlay Zone Permit shall not be final until the eleventh day following action by the Planning Director and is subject to appeal to the Planning Commission as provided for in Section 101.0457 of the Municipal Code of the City of San Diego.

10. The effectiveness of this Community Plan Implementation Overlay Zone Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the Permittee and Owner shall have agreed to each and every condition hereof by having this permit signed and returning said permit to the Planning Department.

11. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this Community Plan Implementation Overlay Zone Permit may be cancelled or revoked. Cancellation or revocation of this Community Plan Implementation Overlay Zone Permit may be instituted by the City or Permittee.

12. This Community Plan Implementation Overlay Zone Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

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PC RESO. NO. 8885/8886

PD CPIOZ PERMIT NO. 90-0830

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13. This Community Plan Implementation Overlay Zone Permit shall be utilized within 36 months after the date of City approval or the permit shall be void. An extension of time may be granted for the permit. Any extension of time shall be subject to all terms and conditions in effect at the time the extension is applied for.

14. All outdoor lighting shall be so shaded and adjusted that it does not shine on adjacent streets or properties.

15. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

16. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated February 20, 1991, shall be permitted by an Encroachment Permit obtained from the City Engineer.

17. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

18. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are define.

19. In the event that 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 the event that challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

19. Prior to the occupancy of Building "K," the applicant shall dedicate additional right-of-way to provide 49 feet from centerline width for Clairemont Drive.

The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

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Prior to the occupancy of Building "K," the applicant shall grant a 15-foot-wide sewer easement over the eight-inch sewer main that crosses this project, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over any water or sewer easement without first obtaining an Encroachment Removal Agreement.

Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

Passed and adopted by the Planning Director on February 20, 1991.

  
 \_\_\_\_\_  
 Kirk Dakan  
 Senior Planner

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LS

Type/No. of Document CPI02 90-0830  
Number of Pages 8 OF 8  
Date of Document FEBRUARY 20, 1991

AUTHENTICATED BY:

1515

Kirk Dakan

KIRK DAKAN, SENIOR PLANNER, CITY OF SAN DIEGO PLANNING DEPARTMENT

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) SS.

On this 25th day of April, in the year 1991, before me, Catherine L. Meyer, a Notary Public in and for said County and State, personally appeared Kirk Dakan, personally known to me (~~as proved to me on the basis of satisfactory evidence~~) to be the person who executed this instrument as Senior Planner of the Planning Department of the City of San Diego and acknowledged to me that the Municipal Corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Catherine L. Meyer  
Catherine L. Meyer  
Notary Public in and for the County of San Diego, State of California



PERMITEE(S) SIGNATURE/NOTARIZATION:

The undersigned Permittee(s), by execution thereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee(s) thereunder.

BY: [Signature] BY: \_\_\_\_\_

Pacific Southwest Mortgage,  
a California Corporation,  
Property Manager for Connecticut  
Mutual Life Insurance Company, Owner,  
a Connecticut Corporation

(Corporation)  
STATE OF CALIFORNIA )  
COUNTY OF San Diego ) SS.

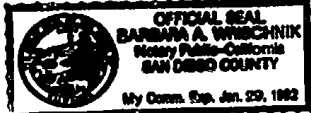


On May 29, 1991 before me, Barbara A. Wrischnik a Notary Public in and for said State, personally appeared John K. Norris (known to me) (~~as proved to me on the basis of satisfactory evidence~~) to be the Vice President

(known to me) (or proved to me on the basis of satisfactory evidence) to be \_\_\_\_\_

Secretary of the corporation that executed the within instrument (known to me) (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal  
Signature Barbara A. Wrischnik



ATION

7 1991

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DOC #: 1991-0274137  
07-JUN-1991 02:49 PM

SAN DIEGO COUNTY RECORDER'S OFFICE  
ANNETTE EVANS, COUNTY RECORDER  
RF: 11.00 FEES: 21.00  
RF: 9.00  
RF: 1.00

FP  
P  
GC

OFFICIAL RECORDS, SAN DIEGO COUNTY, ANNETTE J. EVANS, RECORDER



City of San Diego  
Development Services  
1222 First Ave., MS 302  
San Diego, CA 92101  
(619) 446-5000

# Ownership Disclosure Statement

FORM  
DS-318

October 2017

**Approval Type:** Check appropriate box for type of approval(s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  Variance  
 Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment •  Other E.V.

**Project Title:** Clairemont Village **Project No. For City Use Only:** \_\_\_\_\_  
**Project Address:** 3001 - 3089 Clairemont Drive, San Diego, CA 92117

**Specify Form of Ownership/Legal Status (please check):**

Corporation  Limited Liability -or-  General - What State? CA Corporate Identification No. 201223410267  
 Partnership  Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Property Owner**

Name of Individual: Clairemont Village Quad, LLC  Owner  Tenant/Lessee  Successor Agency  
Street Address: 12625 High Bluff Drive, Suite 310  
City: San Diego State: CA Zip: 92130  
Phone No.: 858-491-3081 Fax No.: \_\_\_\_\_ Email: Bruce@Kleege.com  
Signature: [Signature] Date: 5.10.22  
Additional pages Attached:  Yes  No

**Applicant**

Name of Individual: Christopher S. Smith, agent for owner  Owner  Tenant/Lessee  Successor Agency  
Street Address: 12625 High Bluff Drive, Suite 310  
City: San Diego, CA State: \_\_\_\_\_ Zip: 92130  
Phone No.: 858.449.1131 Fax No.: \_\_\_\_\_ Email: csmith5@san.rr.com  
Signature: [Signature] Date: 5.10.22  
Additional pages Attached:  Yes  No

**Other Financially Interested Persons**

Name of Individual: Christopher S. Smith  Owner  Tenant/Lessee  Successor Agency  
Street Address: 5022 Pearlman Way  
City: San Diego State: CA Zip: 92130  
Phone No.: 858-449-1131 Fax No.: \_\_\_\_\_ Email: csmith5@san.rr.com  
Signature: [Signature] Date: 5.10.22  
Additional pages Attached:  Yes  No

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