



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: October 10, 2024 REPORT NO. PC-24-047
HEARING DATE: October 24, 2024
SUBJECT: Sky Park Court, Process 4
PROJECT NUMBER: [PRJ-1074457](#)
OWNER/APPLICANT: RU ITW SKY PARK, LLC Owner / Sitetech Inc. Applicant

SUMMARY

Issue: Should the Planning Commission approve or deny the Tentative Map and Planned Development Permit to subdivide a 3.92-acre site into two parcels located at [9173 Sky Park Court](#) within the Kearny Mesa Community Planning area?

Proposed Actions: Approve Planned Development Permit (PDP) No. PMT-3243325 and Tentative Map (TM) No. PMT-3201348 with modifications.

Fiscal Considerations: All costs associated with the processing of the application are recovered through a fee paid for by the applicant.

Community Planning Group Recommendation: On August 16, 2023, the Kearny Mesa Community Planning Group voted 8-0-0 to approve the project.

Environmental Impact: The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15302 (Replacement and Reconstruction) and 15304 (Minor Alterations to Land). The environmental exemption determination was made on July 15, 2024, and the opportunity to appeal that determination ended July 29, 2024. There were no appeals to the environmental determination.

BACKGROUND

The project site is located at 9173 Sky Park Court. It is bordered by Ruffin Road to the north and Montgomery-Gibbs Executive Airport to the south and west within the Kearny Mesa Community Plan. The 3.92-acre site is in the IL-2-1 zone, the Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), the Airport Influence Area (Review Area 1–Montgomery Field and Review Area 2 MCAS Miramar), the FAA Part 77 Notification Area (MCAS Miramar and Montgomery field), Airport Safety Zones 2, 3, and 6 – Montgomery Field), Parking Standards Transit Priority Area,

and a Transit Priority Area within the Kearny Mesa Community Plan.

DISCUSSION

Project Description:

The project proposes to subdivide an existing 170,755-square-foot parcel into two parcels. Parcels One and Two will each maintain an existing commercial building. Parcel One will be 1.80 acres with an existing 26,036 square foot two-story building, and Parcel Two will be 2.12 acres with an existing 37,449 square foot two-story building. The project requests two deviations from the IL-2-1 zone development regulations found in San Diego Municipal Code (SDMC) Section [131.0631, Table 131-06C](#):

1. Deviation to allow Parcel One to provide 55.12 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;
2. Deviation to allow Parcel Two to provide 30.87 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;

The project site is currently developed, and businesses operate in both buildings. No additional physical development is proposed. The creation of two separate legal parcels would not change the use or physical nature of the properties. The surrounding parcels and structures within the immediate community are of similar size and character to the existing project site.

The subdivider will enter into a maintenance agreement for the proposed shared access driveway and parking, which will total 218 parking stalls, 8 handicap stalls, and 3 motorcycle stalls. The deviations were reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties. The project meets the vision and land use policy of the Kearny Mesa Community Plan (KMCP), specifically policy 1.2 for the preservation of industrial lands for employment and policy 1.9 for the encouragement of shared parking facilities. Due to the project being located at the terminus of the Sky Park Court cul-de-sac, the street frontage is inherently narrow and the mapping action would include a Joint Driveway/Mutual Access Agreement, new sewer service and reconstruction of the driveway to current city standard as conditioned in the permit.

Permits Required

Tentative Map: Pursuant to SDMC Section [125.0430](#) a Tentative Map shall be made in accordance with a Process Three decision by the Hearing Officer which is appealable to the City Council.

Planned Development Permit: Pursuant to SDMC [131.0631 Table 131-06C](#) (Development Regulations for Industrial Zones), the minimum street frontage is 75 feet. The two proposed lots do not meet this requirement and request a deviation for each new parcel. Pursuant to SDMC [126.0602\(b\)\(1\)](#), development that does not comply with all base zone regulations requires a Planned Development Permit in accordance with Process Four.

When there are more than one permit, map, or other approval type for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker at the highest level of authority for the development per SDMC [112.0103\(a\)\(1\)](#).

Community Plan Consistency Analysis

The site is within the Industrial and Technology Park land use designation of the Kearny Mesa Community Plan, which allows for a wide variety of industrial employment uses including manufacturing, research and development, corporate headquarters, and other industrial uses. Multi-tenant industrial, business incubators with shared amenities, and flexible innovation spaces are encouraged and related office and accessory uses are allowed. The project is also within the Ruffin Technology Cluster, which is noted as a hub for industry and with nearly contiguous industrial land uses that support existing and growing industrial, technology, and large-scale employment users.

The project site is currently developed with industrial buildings consistent with the land use designation. No additional development or modifications are being requested for the two existing buildings, which will remain on the newly created parcels and will continue to offer economic growth and opportunity to the community. There will be no change in use at the project site and the use will remain consistent with the land use plan and designation. The project will continue to implement the land use designation and goals of the Kearny Mesa Community Plan by providing an industrial subdivision that is compatible with the surrounding uses, provides flexibility and ensures the continued viability of the site for industrial uses. Therefore, the proposed subdivision is consistent with the policies, goals, and objectives of the Kearny Mesa Community Plan, including the following Vision and Land Use section policies that are intended to retain and attract jobs:

Policy 1.1 – Encourage building types that can accommodate or be adapted to a variety of industrial, technology, and business uses and activities.

Policy 1.2 – Preserve industrial lands for employment uses and collocation of industrial operations that cannot locate in commercially designated areas.

Policy 1.4 – Utilize Prime Industrial Lands for base sector employment and provide flexibility to serve operational and expansion needs of existing industrial employers within Prime Industrial Lands.

Conclusion:

Staff has reviewed the proposed project and determined that the project is in conformance with the regulations of the Land Development Code, the Community Plan, and the deviations from the IL-2-1 are supportable as they lead to a more desirable project than strict conformance to the Land Development Code. There were no inaccurate statements or insufficient evidence presented to the City staff upon which the Development Services Department relied when reviewing the project. The Development Services Department believes the findings for the project can be made based on the

evidence provided. All information was disclosed and shared with interested parties during the review and decision process.

The project is consistent with the Community Plan and findings can be made to approve the Planned Development Permit and the Tentative Map. Therefore, City staff recommends that the Planning Commission approve the project.

ALTERNATIVES

1. Approve Planned Development Permit No. PMT-3243325 and Tentative Map No. PMT-3201348 with modifications.
2. Deny Planned Development Permit No. PMT-3243325 and Tentative Map No. PMT-3201348 if the required findings for the project cannot be made.

Respectfully submitted,

Renee Mezo

Renee Mezo
Assistant Deputy Director
Development Services Department

Christian Hoppe

Christian Hoppe
Development Project Manager
Development Services Department

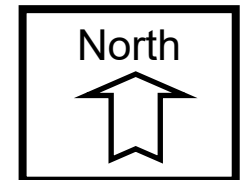
Attachments:

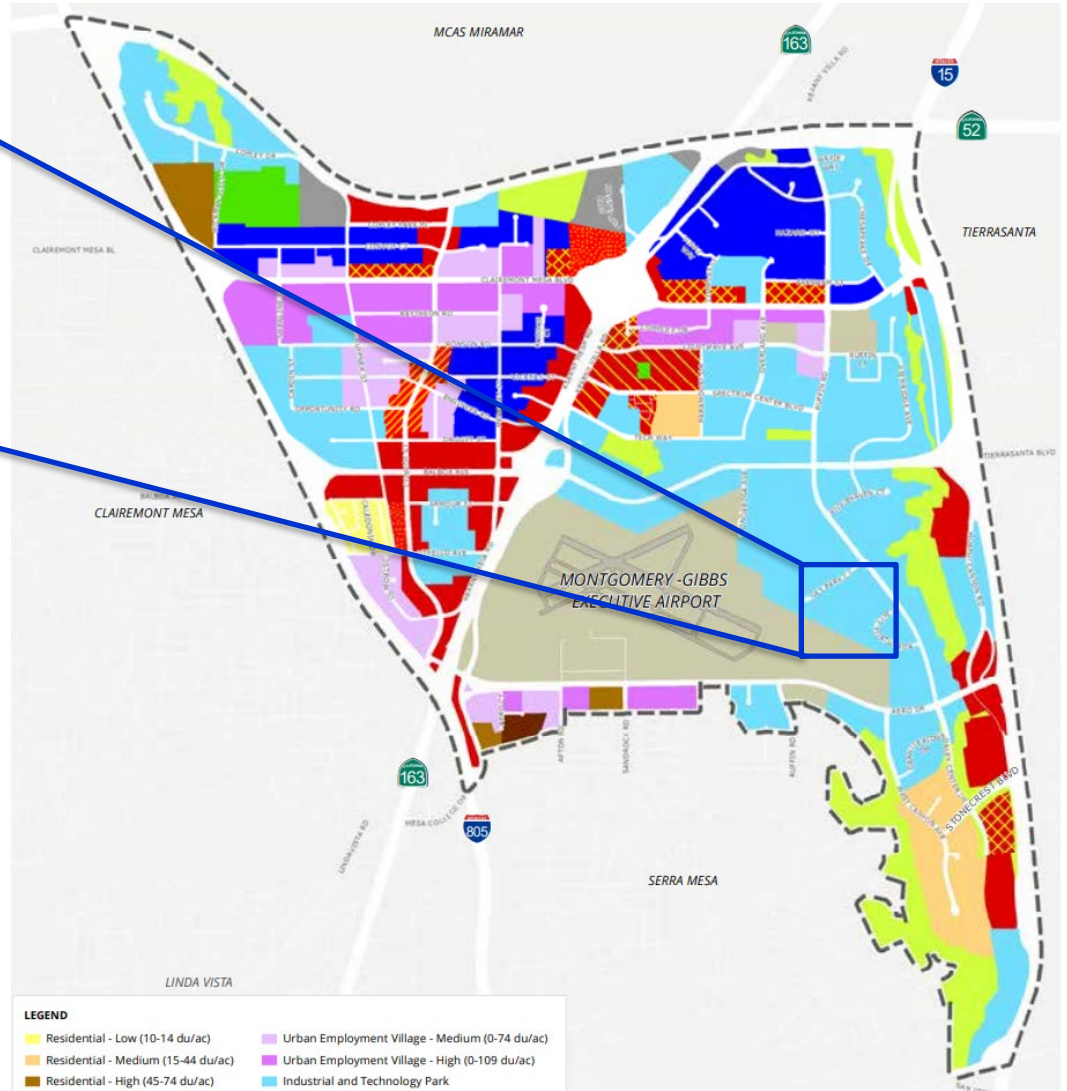
1. Aerial Photographs
2. Community Plan Land Use Map
3. Draft Permit with Conditions
4. Draft Permit Resolution with Findings
5. Draft Map Conditions
6. Draft Map Resolution with Findings
7. Community Planning Group Recommendation
8. Environmental Exemption
9. Ownership Disclosure Statement
10. Project Plans



Aerial Photograph

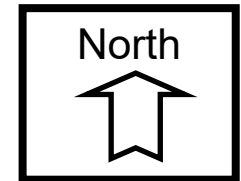
Sky Park Court, TM & PDP
Project No. 1074457 - 9173 Sky Park Court





Community Plan Land Use Map

Sky Park Court, TM & PDP
 Project No. 1074457 - 9173 Sky Park Court



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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER:24009689

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. PMT-3243325
SKYPARK COURT PROJECT NO. 1074457
PLANNING COMMISSION

This Planned Development Permit No. PMT-3243325 is granted by the Planning Commission of the City of San Diego to RU ITW SKY PARK, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0605. The 3.92-acre site is located at 9173 Sky Park Court in the IL-2-1 Zone, Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), Airport Influence Area (Review Area 1–Montgomery Field and Review Area 2 MCAS Miramar), FAA Part 77 Notification Area (MCAS Miramar and Montgomery field), Airport Safety Zone (Zones 2,3, and 6 – Montgomery Field), Parking Standards Transit Priority Area, Transit Priority Area, and the Industrial and Technology Park land use designation of the Kearny Mesa Community Plan Area. The project site is legally described as: PARCEL 2 OF PARCEL MAP NO. 20709, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON SEPTEMBER 16, 2009, AS FILE NO. 209-0517501 OF OFFICIAL RECORDS.

Subject to the terms and conditions set forth in this Permit and Tentative Map No. 3201348, permission is granted to Owner/Permittee to subdivide a 3.92-acre site into two parcels described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 24, 2024, on file in the Development Services Department.

The project shall include:

- a. To subdivide a 3.92-acre site into two parcels. Parcel 1 will be 1.80 acres and parcel 2 will be 2.12 acres.
- b. Off-street parking including a Joint Driveway/Mutual Access Agreement;
- c. 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 November 7, 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.

ENGINEERING REQUIREMENTS:

11. Prior to the recordation of the Parcel Map, the Owner/Subdivider shall reconstruct the existing 26-foot-wide driveway per current City Standards, to the satisfaction of the City Engineer.

LANDSCAPE REQUIREMENTS:

12. Prior to recordation of any Final/Parcel Map, the Owner/Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per §142.0412 of the Land Development Code."

PLANNING/DESIGN REQUIREMENTS:

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

14. 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.

15. 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

16. Prior to recordation of any Final/Parcel Map, the Owner/Permittee shall record an access easement in favor of all affected parcels within the project site, satisfactory to the City Engineer.

17. Prior to recordation of any Final/Parcel Map, the Owner/Permittee shall record a Joint Driveway/Mutual Access Agreement (DS-3248) in favor of all affected parcels within the project site, satisfactory to the City Engineer.

18. Prior to recordation of any Final/Parcel Map, the Owner/Permittee shall record a shared parking agreement in favor of all affected parcels within the project site to the satisfaction of the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

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

20. Prior to recordation of any Final/Parcel Map, the Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

21. Prior to recordation of any Final/Parcel Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer.

22. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

23. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on October 24, 2024 and [Approved Resolution Number].

ATTACHMENT 03

Planned Development Permit /Approval No. PMT-3243325
Date of Approval: October 24, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Christian Hoppe
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.

RU ITW SKY PARK, LLC
Owner/Permittee

By _____
NAME
TITLE

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

PLANNING COMMISSION RESOLUTION NO. _____
PLANNED DEVELOPMENT PERMIT PMT-3243325
SKY PARK COURT PROJECT NO. 1074457

WHEREAS, RU ITW SKY PARK, Limited Liability Corporation, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit to subdivide a single parcel into two parcels (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3243325), on portions of a 3.92-acre site;

WHEREAS, the project site is located at 9173 Sky Park in the IL-2-1 zone, the Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), the Airport Influence Area (Review Area 1–Montgomery Field and Review Area 2 MCAS Miramar), the FAA Part 77 Notification Area (MCAS Miramar and Montgomery field), Airport Safety Zones (Zones 2,3, and 6 – Montgomery Field), the Parking Standards Transit Priority Area, the Transit Priority Area, and the Industrial and Technology Park land use designation within the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as PARCEL 2 OF PARCEL MAP NO. 20709, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON SEPTEMBER 16, 2009, AS FILE NO. 209-0517501 OF OFFICIAL RECORDS;

WHEREAS, on July 15, 2024 the City of San Diego, as Lead Agency, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guidelines Sections 15302 (Replacement and Reconstruction) and 15304 (Minor Alterations to Land) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520.

WHEREAS, on October 24, 2024 the Planning Commission of the City of San Diego considered Planned Development Permit No. 3243325 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 3243325.

A. Planned Development Permit [San Diego Municipal Code (SDMC) Section 126.0605]

1. Findings for all Planned Development Permits:

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

The project proposes a Tentative Map and Planned Development Permit to subdivide the existing 170,755-square-foot parcel into two parcels. Parcel One and Parcel Two will each maintain an existing commercial building. Parcel One will be 1.80 acres and parcel 2 will be 2.12 acres. The project requests a deviation from the development regulations in San Diego Municipal Code (SDMC) section 131.0631, Table 131-06C requiring a Planned Development Permit for the following:

1. Deviation to allow Parcel One to provide 55.12 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;
2. Deviation to allow Parcel Two to provide 30.87 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;

The project site is currently fully developed and functioning as two separate independent operations. No additional development or modifications other than the subdivision are being requested for the two existing buildings. The establishment of two separate legal parcels would create no distinguishable change in either the use or the physical nature of the properties.

The parcel is located at the terminus of Sky Park Court, which is a cul-de-sac resulting in narrow street frontage. The surrounding parcels and structures within the immediate community are of similar size and character to the existing project site. The subdivider will enter into a maintenance agreement for the proposed shared access driveway and parking in compliance with the Kearny Mesa Community Plan (KMCP) vision and land use policy 1.9 to "Encourage the use of shared parking facilities to benefit employers, employees, and commercial business districts". Additionally, the site will be maintaining its designated use of Industrial and Technology Park per (Figure 2: Land Use) page 11 of the Kearny Mesa Community Plan. The site contains two fully developed buildings used for industrial use in compliance with the KMCP and will include no development other than the proposed subdivision. The deviations were reviewed as they relate to the proposed design of

the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. Due to the project being located at the terminus of the Sky Park Court cul-de-sack, the street frontage is inherently narrow and precludes meeting base zone regulations. The mapping action would include a Joint Driveway/Mutual Access Agreement which is intended to prevent any future access conflicts.. Therefore, the proposed development will not adversely affect the applicable land use land.

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

The proposed Tentative Map and Planned Development Permit is consistent with the relevant City of San Diego's codes, policies, and regulations which focuses on the protection of the public's health, safety, and welfare. The permit includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC applicable to the project. Such conditions include that prior to recordation of any Final/Parcel Map, the Owner/Permittee shall assure, by permit and bond, the design and construction of new sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer. Additionally, prior to the recordation of the Parcel Map, the Owner/Subdivider shall reconstruct the existing 26-foot-wide driveway per current City Standards, to the satisfaction of the City Engineer and the project shall record a Joint Driveway/Mutual Access Agreement (DS-3248) in favor of all affected parcels within the project site, satisfactory to the City Engineer.

Furthermore, the project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant, unmitigated impacts to public health and safety and welfare. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The project proposes a Tentative Map and Planned Development Permit to subdivide the existing 170,755-square-foot parcel into two parcels. Parcel One and Parcel Two will each maintain an existing commercial building. Parcel One will be 1.80 acres and parcel 2 will be 2.12 acres. The project requests a deviation from the development regulations in SDMC section 131.0631, Table 131-06C including:

1. Deviation to allow Parcel One to provide 55.12 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;
2. Deviation to allow Parcel Two to provide 30.87 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;

The project site is currently fully developed and functioning as two separate independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties and meets the vision and land use policy of the KMCP specifically: policy 1.2 for the preservation of industrial lands for employment; and policy 1.9 the encouragement of shared parking facilities. The site contains two fully developed buildings used for industrial use in compliance with the KMCP and will include no development other than the proposed subdivision. The deviations were reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. Due to the project being located at the terminus of the Sky Park Court cul-de-sack, the street frontage is inherently narrow, precluding the project from complying with the base zone regulations; however, the project allows the parcels to operate independently. The mapping action would include a Joint Driveway/Mutual Access Agreement which is intended to prevent any future access conflicts.

The surrounding parcels and structures within the immediate community are of similar size and character to the existing project site. The Kearny Mesa Community Plan designates industrial uses as a key component of the community with the goal to "Attract and Retain" industrial sector jobs. As part of the Kearny Mesa Community Plan's vision to fulfill that goal it encourages shared parking outlined in Section 1.9 (page 30). The subdivider will enter into a maintenance agreement for the proposed shared access driveway and parking. Additionally, the site will be maintaining its designated use of Industrial and Technology Park in accordance with Figure 2: Land Use (page 11). The deviations were reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Kearny Mesa Community Plan, Land Development Code, and the General Plan.

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

ATTACHMENT 04

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. PMT-3243325 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Permit No. PMT-3243325, a copy of which is attached hereto and made a part hereof.

Christian Hoppe
Development Project Manager
Development Services

Adopted on: October 24, 2024

IO#: 24009689

PLANNING COMMISSION RESOLUTION NUMBER _____
TENTATIVE MAP NO. 3201348
SKYPARK COURT PROJECT NO. 1074457

WHEREAS, RU ITW SKY PARK, LLC, a California limited liability company, Subdivider, and Bernhard K. Mayer, submitted an application to the City of San Diego for a Tentative Map No. 3201348 to subdivide one parcel into two parcels and for deviations to the minimum lot frontage. The project site is located 9173 Sky Park Court (Assessor's Parcel Number [APN] 369-170-6800) in the IL-2-1 zone, within the Industrial and Technology Park land use designation of the Kearny Mesa Community Plan Area and the following overlay zones: Airport Land Use Compatibility Overlay Zone (MCAS Miramar & Montgomery Field), Airport Influence Area (Review Area 1–Montgomery Field & Review Area 2 - MCAS Miramar), FAA Part 77 Notification Area (MCAS Miramar & Montgomery Field), Airport Safety Zone (Zones 2, 3, and 6 – Montgomery Field), Parking Standards Transit Priority Area, and Transit Priority Area;

WHEREAS, the property is legally described as: PARCEL 2 OF PARCEL MAP NO. 20709, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON SEPTEMBER 16, 2009 AS FILE NO. 209-0517501 OF OFFICIAL RECORDS.

WHEREAS, the Tentative Map proposes the Subdivision of a 3.92-acre site into two parcels; and

WHEREAS, on July 15, 2024 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15302 (Replacement and Reconstruction) and 15304 (Minor

Alterations to Land and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, on October 24, 2024 the Planning Commission of the City of San Diego considered Tentative Map No. 3201348, (and the associated Planned Development Permit No. 3243325) and pursuant to San Diego Municipal Code Section 125.0440 and the Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map. 3201348:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The 3.92-acre project site is located at 9173 Sky Park Court (APN 369-170-6800) in the IL-2-1 zone within the Airport Land Use Compatibility Overlay Zone (MCAS Miramar & Montgomery Field), Airport Influence Area (Review Area 1 –Montgomery Field & Review Area 2 MCAS Miramar), FAA Part 77 Notification Area (MCAS Miramar & Montgomery field), Airport Safety Zone (Zones 2, 3, and 6 – Montgomery Field), Parking Standards Transit Priority Area, Transit Priority Area, and the Industrial and Technology Park land use designation of the Kearny Mesa Community Plan Area.

The 170,755-square-foot project site contains two existing commercial buildings that will remain. Both buildings are currently served by an existing driveway that runs north and south along the east side of the parcel from Sky Park Court. The parcel adjacent to the west is graded and also contains a commercial building.

The project proposes a Tentative Map to subdivide the existing 170,755-square-foot parcel into two parcels. Parcel one and two will each maintain an existing commercial building. Parcel one will be

1.80 acres with an existing 26,036 square foot two story building and parcel 2 will be 2.12 acres with an existing 37,449 square foot two story building

The project requests a deviation from the San Diego Municipal Code (SMC) Development Regulations section 131.0631, Table 131-06C including:

1. Deviation to allow Parcel One to provide 55.12 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;
2. Deviation to allow Parcel Two to provide 30.87 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;

The Kearny Mesa Community Plan designates the project as Industrial and Technology Park per Figure 2: Land Use (page 11). The Kearny Mesa Community plan defines Industrial and Technology Parks as allowing a wide variety of industrial employment uses, including manufacturing, research and development, corporate headquarters, and other industrial uses. Multi-tenant industrial business incubators with shared amenities and flexible innovation spaces are encouraged and related office accessory use are allowed.

Policy 1.1 of the vision and land use component of the Kearny Mesa Community Plan states the encouragement of building types that can accommodate or be adapted to a variety of industrial, technology, and business uses and activities. The two remaining built buildings will remain on the newly created parcels continuing to offer economic growth and opportunity to the community.

The project site is currently fully developed and functioning as two separate independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties. The project will continue to implement the land use designation and goals of the Kearny Mesa Community Plan by providing a industrial subdivision that is compatible with the surrounding uses. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The 3.92-acre project site is located at 9173 Sky Park Court (APN 369-170-6800) in the IL-2-1 zone within the Airport Land Use Compatibility Overlay Zone (MCAS Miramar & Montgomery Field), Airport Influence Area (Review Area 1 –Montgomery Field & Review Area 2 MCAS Miramar), FAA Part 77 Notification Area (MCAS Miramar & Montgomery field), Airport Safety Zone (Zones 2,3, and 6 – Montgomery Field), Parking Standards Transit Priority Area, Transit Priority Area, and the Industrial and Technology Park Land Use designation of the Kearny Mesa Community Plan Area.

The project proposes a Tentative Map to subdivide the existing 170,755-square-foot parcel into two parcels. Parcel one and two will each maintain an existing commercial building.

The project requests a deviation from the San Diego Municipal Code (SMC) Development Regulations section 131.0631, Table 131-06C including:

1. Deviation to allow Parcel One to provide 55.12 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;
2. Deviation to allow Parcel Two to provide 30.87 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone;

Per SDMC 126.0602(b)(1) Development that does not comply with all base zone regulations, or all development regulations may be requested with a Planned Development Permit (PDP) decision in accordance with Process Four.

The project site is currently fully developed and functioning as two separate independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties. Therefore, the deviations required to approve the subdivision may be permitted with a Planned Development Permit, Planned Development Permit 3243325 is being consolidated and processed with this Tentative map.

The surrounding parcels and structures within the immediate community are of similar size and character to the existing project site. The subdivision will enter into a maintenance agreement for the proposed shared access driveway and parking. Additionally, the site will be maintaining its designated use of Industrial and Technology Park per (Figure 2: Land Use) page 11. The deviations were reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. It was determined that the deviations are appropriate and will result in a more desirable project that efficiently utilizes the site while meeting the purpose and intent of the development regulations. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including the allowable deviations pursuant to the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project site is located at 9173 Sky Park Court designated as industrial in the San Diego Municipal Code and has a land use designation of Industrial and Technology Park in the Kearny Mesa Community Plan. The project proposes to subdivide one parcel into two parcels that is consistent with the land use and density in the General Plan and Community Plan.

The subdivision will not affect access to the adjacent properties as Parcel one and Parcel two will continue to have access to Sky Park Court through a maintenance agreement for the proposed shared access of the driveway and parking.

In addition, no grading is proposed as no future development is proposed and the project site is not located within or adjacent to the Multiple Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program and does not contain Environmentally Sensitive Lands (ESL) as defined in SDMC section 113.0103. Therefore, the site is physically suitable for the type and density development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed Tentative Map subdivides one existing parcel into two parcels. The 3.92-acre project site is located at 9173 Sky Park Court within a developed neighborhood served by existing public services and utilities and is surrounded by existing development on the west, North, and East with commercial uses.

The project site is not located within or adjacent to a floodplain or floodway area, Multi-Habitat Planning Area (MHPA) lands, riparian habitat, or wetlands, and no sensitive species were observed on-site. The project was reviewed for conformance with the applicable zoning and development regulations of the Land Development Code and the project shall comply with the Tentative Map and development permit conditions of approval, including compliance with storm water runoff requirements.

Furthermore, the project was subject to environmental review and was determined to be exempt pursuant to the California Environmental Quality Act Guidelines Section 15332, In-Fill Development. The project is located within an urbanized and built environment where there are no watercourses on or adjacent to the site. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

1. The following Tentative Map has been reviewed and determined to comply with the San Diego Municipal Code (SDMC) and Subdivision Map Act. The Tentative Map and Planned Development Permit for the project include various conditions and referenced exhibits of approval relevant to achieving project compliance with applicable regulations of the SDMC such as Prior the recordation of a Joint Driveway/Mutual Access Agreement. The Permit contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Therefore, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The existing easements surrounding the project site will remain and are not to be affected by the proposed subdivision. Sky Park Court fronts the property to the north, where public access will be maintained. Public improvements include a new 26-foot-wide driveway per current city standards. Both parcels will enter into a reciprocal operating and maintenance agreement for the proposed shared access driveway and parking. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The proposed Tentative Map will not impede or inhibit any future passive or natural heating and cooling opportunities as the purpose of the subdivision is to divide the existing parcel with two fully developed and functioning buildings into two independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties. Any Future development must comply with all applicable building and zoning reviews and requirements including setbacks building materials, site orientation architectural treatments, and landscaping, to provide for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The proposed project is the subdivision of a 3.92-acre parcel into two lots within the IL-2-1 zone and designated in the Kearny Mesa Community Plan as an Industrial and Technology Park. The creation of two parcels that will continue to operate with existing commercial buildings will not adversely affect housing needs as the site is neither zoned for new housing or proposing to remove any existing. The subdivision will not place a significant impact on public resources such as police, fire, parks, and library resources. Existing public utility services to the subdivision will continue to be provided and serve the commercial buildings.

The decision maker has reviewed the administrative record including the project plans, environmental documentation, and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and available fiscal and environmental resources and found that the proposed subdivision will not adversely affect the housing needs of the Kearny Mesa Community Plan.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map. 3201348 is hereby granted to RU ITW SKY PARK, LLC, a California limited liability company, subject to the attached conditions which are made a part of the resolution by this reference.

By _____

Christian Hoppe
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions
Internal Order No. 24009689

PLANNING COMMISSION RESOLUTION NUMBER _____
TENTATIVE MAP NO. 3201348
SKYPARK COURT PROJECT NO. 1074457

WHEREAS, RU ITW SKY PARK, LLC, a California limited liability company, Subdivider, and Owner, submitted an application to the City of San Diego for Tentative Map No. 3201348 to subdivide one parcel into two parcels and for deviations for each parcel to the required minimum lot frontage. The project site is located 9173 Sky Park Court (Assessor's Parcel Number [APN] 369-170-6800) in the IL-2-1 zone, within the Industrial and Technology Park land use designation of the Kearny Mesa Community Plan Area and the following overlay zones: Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), Airport Influence Area (Review Area 1- Montgomery Field and Review Area 2 - MCAS Miramar), FAA Part 77 Notification Area (MCAS Miramar and Montgomery Field), Airport Safety Zone (Zones 2, 3, and 6 - Montgomery Field), Parking Standards Transit Priority Area, and Transit Priority Area;

WHEREAS, the property is legally described as: PARCEL 2 OF PARCEL MAP NO. 20709, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON SEPTEMBER 16, 2009 AS FILE NO. 209-0517501 OF OFFICIAL RECORDS.

WHEREAS, the Tentative Map proposes the Subdivision of a 3.92-acre site into two parcels;
and

WHEREAS, on July 15, 2024 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15302 (Replacement and Reconstruction) and 15304 (Minor

Alterations to Land) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, on October 24, 2024 the Planning Commission of the City of San Diego considered Tentative Map No. 3201348, (and the associated Planned Development Permit No. 3243325) and pursuant to San Diego Municipal Code Section 125.0440 and the Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map. 3201348:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The 3.92-acre project site is located at 9173 Sky Park Court (APN 369-170-6800) in the IL-2-1 zone within the Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), Airport Influence Area (Review Area 1 –Montgomery Field and Review Area 2 MCAS Miramar), FAA Part 77 Notification Area (MCAS Miramar and Montgomery field), Airport Safety Zone (Zones 2, 3, and 6 – Montgomery Field), Parking Standards Transit Priority Area, Transit Priority Area, and the Industrial and Technology Park land use designation of the Kearny Mesa Community Plan Area.

The 170,755-square-foot project site contains two existing commercial buildings that will remain. Both buildings are currently served by an existing driveway that runs north and south along the east side of the parcel from Sky Park Court. The parcel adjacent to the west is graded and also contains a commercial building.

The project proposes a Tentative Map to subdivide the existing 170,755-square-foot parcel into two parcels. Parcel one and two will each maintain an existing commercial building. Parcel one will be

1.80 acres with an existing 26,036 square foot two story building and parcel 2 will be 2.12 acres with an existing 37,449 square foot two story building.

The project requests a deviation from the development regulations in San Diego Municipal Code (SDMC) section 131.0631, Table 131-06C:

1. Deviation to allow Parcel One to provide 55.12 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone; and
2. Deviation to allow Parcel Two to provide 30.87 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone.

The project site is currently fully developed and functioning as two separate independent operations. No additional development or modifications other than the subdivision are being requested for the two existing buildings. The establishment of two separate legal parcels would create no distinguishable change in either the use or the physical nature of the properties.

The parcel is located at the terminus of Sky Park Court, which is a cul-de-sac resulting in narrow street frontage. The surrounding parcels and structures within the immediate community are of similar size and character to the existing project site. The subdivider will enter into a maintenance agreement for the proposed shared access driveway and parking in compliance with the Kearny Mesa Community Plan vision and land use policy number 1.9 to "Encourage the use of shared parking facilities to benefit employers, employees, and commercial business districts". Additionally, the site will be maintaining its designated use of Industrial and Technology Park per (Figure 2: Land Use) page 11 of the Kearny Mesa Community Plan. The site contains two fully developed buildings used for industrial use in compliance with the Kearny Mesa Community Plan and will include no development other than the proposed subdivision. The deviations were reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. Due to the project being located at the terminus of the Sky Park Court cul-de-sac, the street frontage is inherently narrow and the mapping action would include a Joint Driveway/Mutual Access Agreement which is intended to prevent any future access conflicts. The project allows the two industrial buildings to operate independently. Therefore, the proposed development will not adversely affect the applicable land use land.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The 3.92-acre project site is located at 9173 Sky Park Court (APN 369-170-6800) in the IL-2-1 zone within the Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), Airport Influence Area (Review Area 1 –Montgomery Field and Review Area 2 MCAS Miramar), FAA Part 77 Notification Area (MCAS Miramar and Montgomery field), Airport Safety Zone (Zones 2,3, and 6 – Montgomery Field), Parking Standards Transit Priority Area, Transit Priority Area, and the Industrial and Technology Park Land Use designation of the Kearny Mesa Community Plan Area.

The project proposes a Tentative Map to subdivide the existing 170,755-square-foot parcel into two parcels. Parcel one and two will each maintain an existing commercial building.

The project requests a deviation from the development regulations in SDMC section 131.0631, Table 131-06C:

1. Deviation to allow Parcel One to provide 55.12 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone; and
2. Deviation to allow Parcel Two to provide 30.87 feet of street frontage where a minimum of 75 feet of street frontage is required in the IL-2-1 zone.

Per SDMC 126.0602(b)(1) Development that does not comply with all base zone regulations, or all development regulations may be requested with a Planned Development Permit (PDP) decision in accordance with Process Four.

The project site is currently fully developed and functioning as two separate independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties and meets the vision and land use policy of the KMCP specifically 1.2 preservation of industrial lands for employment and 1.9 the encouragement of shared parking facilities. The site contains two fully developed buildings used for industrial use in compliance with the KMCP and will include no development other than the proposed subdivision. The deviations were reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. Due to the project being located at the terminus of the Sky Park Court cul-de-sack, the street frontage is inherently narrow and precludes the project from meeting the base zone regulations for street frontage. The mapping action would include a Joint Driveway/Mutual Access Agreement which is intended to prevent any future access conflicts.

The surrounding parcels and structures within the immediate community are of similar size and character to the existing project site. The Kearny Mesa Community Plan designates industrial uses as a key component of the community with the goal to "Attract and Retain" industrial sector jobs. As part of the Kearny Mesa Community Plan's vision to fulfill that goal it encourages shared parking outlined in Section 1.9 (page 30). The subdivider will enter into a maintenance agreement for the proposed shared access driveway and parking. Additionally, the site will be maintaining its designated use of Industrial and Technology Park in accordance with Figure 2: Land Use (page 11). The deviations were reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Kearny Mesa Community Plan, Land Development Code, and the General Plan.

3. The site is physically suitable for the type and density of development.

The project site is located at 9173 Sky Park Court designated as industrial in the San Diego Municipal Code and has a land use designation of Industrial and Technology Park in the Kearny Mesa Community Plan. The project proposes to subdivide one parcel into two parcels that is consistent with the land use and density in the General Plan and Community Plan. There will be no physical development as part of the project other than the subdivision.

The proposed Tentative Map will not impede or inhibit any future passive or natural heating and cooling opportunities as the purpose of the subdivision is to divide the existing parcel with two fully developed and functioning buildings into two independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties.

The subdivision will not affect access to the adjacent properties as Parcel One and Parcel Two will continue to have access to Sky Park Court through a recorded maintenance agreement for the proposed shared access of the driveway and parking prior to recordation of any Final/Parcel.

In addition, no grading is proposed as no future development is proposed and the project site is not located within or adjacent to the Multiple Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program and does not contain Environmentally Sensitive Lands (ESL) as defined in SDMC section 113.0103. Therefore, the site is physically suitable for the type and density development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed Tentative Map subdivides one existing parcel into two parcels. The 3.92-acre project site is located at 9173 Sky Park Court within a developed neighborhood served by existing public services and utilities and is surrounded by existing development on the west, North, and East with commercial uses. There will be no physical development as part of the project other than the subdivision.

The proposed Tentative Map will not impede or inhibit any future passive or natural heating and cooling opportunities as the purpose of the subdivision is to divide the existing parcel with two fully developed and functioning buildings into two independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties.

The project site is not located within or adjacent to a floodplain or floodway area, MHPA lands, riparian habitat, or wetlands.. The project was reviewed for conformance with the applicable zoning and development regulations of the Land Development Code. The project shall comply with the Tentative Map and development permit conditions of approval, including compliance with storm water runoff requirements.

Furthermore, the project was subject to environmental review and was determined to be exempt pursuant to the California Environmental Quality Act Guidelines Section 15332, In-Fill Development

and 15304 Minor Alterations to Land. The project is located within an urbanized and built environment where there are no watercourses on or adjacent to the site. There is no physical development associated with the project. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

The proposed Tentative Map and Planned Development Permit is consistent with the relevant City of San Diego's codes, policies, and regulations which focuses on the protection of the public's health, safety, and welfare. The permit includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC applicable to the project. Such conditions include that prior to recordation of any Final/Parcel Map, the Owner/Permittee shall assure, by permit and bond, the design and construction of new sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer. Additionally, prior to the recordation of the Parcel Map, the Owner/Subdivider shall reconstruct the existing 26-foot-wide driveway per current City Standards, to the satisfaction of the City Engineer and the project shall record a Joint Driveway/Mutual Access Agreement (DS-3248) in favor of all affected parcels within the project site, satisfactory to the City Engineer.

Furthermore, the project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant, unmitigated impacts to public health and safety and welfare. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The existing easements surrounding the project site will remain and are not to be affected by the proposed subdivision. Sky Park Court fronts the property to the north, where public access will be maintained. Public improvements include a new 26-foot-wide driveway per current City standards. Both parcels will enter into a reciprocal operating and maintenance agreement that will be recorded for the proposed shared access driveway and parking prior to recordation of any Final/Parcel Map. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The proposed Tentative Map will not impede or inhibit any future passive or natural heating and cooling opportunities as the purpose of the subdivision is to divide the existing parcel with two fully developed and functioning buildings into two independent operations. No additional development or modifications are being requested for the two existing buildings. The establishment of two separate legal parcels would have no distinguishable change in either the use or the physical nature of the properties. Any future development must comply with all applicable building and zoning reviews and requirements including setbacks building materials, site orientation architectural treatments, and landscaping, to provide for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The proposed project is the subdivision of a 3.92-acre parcel into two lots within the IL-2-1 zone and designated in the Kearny Mesa Community Plan as an Industrial and Technology Park. The creation of two parcels that will continue to operate with existing commercial buildings will not adversely affect housing needs as the site is neither zoned for new housing or proposing to remove any existing. The subdivision will not place a significant impact on public resources such as police, fire, parks, and library resources. Existing public utility services to the subdivision will continue to be provided and serve the commercial buildings.

The decision maker has reviewed the administrative record including the project plans, environmental documentation, and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and available fiscal and environmental resources and found that the proposed subdivision will not adversely affect the housing needs of the Kearny Mesa Community Plan.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map. 3201348 is hereby granted to RU ITW SKY PARK, LLC, a California limited liability company, subject to the attached conditions which are made a part of the resolution by this reference.

By _____
Christian Hoppe
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions
Internal Order No. 24009689

	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	<h1>Community Planning Committee Distribution Form</h1>	
Project Name: 9173 Sky Park Ct. Lot Split		Project Number: 1074457	
Community: Kearny Mesa			
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input checked="" type="radio"/> Vote to Approve <input 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: August 16, 2023	
# of Members Yes 8	# of Members No 0	# of Members Abstain 0	
Conditions or Recommendations: None			
<input checked="" type="radio"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Jeffrey Sallen			
TITLE: Chair		DATE: April 04, 2024	

Visit our web site at www.sandiego.gov/development-services.

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

DS-5620 (08-18) ONLINE FORM

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2400

From: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title / Number: 9173 Sky Park Court / PRJ-1074457

State Clearinghouse No.: N/A

Project Location-Specific: 9173 Sky Park Court, San Diego, CA 92123

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: A request for a TENTATIVE MAP and PLANNED DEVELOPMENT PERMIT to subdivide Parcel 2 of Parcel Map No 20709 into two parcels at 9173 Sky Park Court. The 3.92-acres site is designated Industrial and Technology Park per the Kearny Mesa Community Plan and zoned IL-2-1 (Industrial-Light). The project would reconstruct the driveway to current City of San Diego standards and relocate an existing sewer line within the project site. Additionally, the project site is located within the Airport Land Use Compatibility Overlay Zone (MCAS Miramar and Montgomery Field), Airport Influence Area (MCAS Miramar, Review Area 2; Montgomery Field, Review Area 1), Federal Aviation Administration Part 77 Noticing Area (MCAS Miramar and Montgomery Field), Very High Fire Hazard Severity Zone, Transit Priority Area, and Prime Industrial Lands. Council District 6. (LEGAL DESCRIPTION: Parcel 2 of Parcel Map No. 20709, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, on September 16, 2009, as file no. 2009-0517501 of official records; ASSESSOR'S PARCEL NUMBER: 369-170-6800).

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Sitetech, Inc., 8061 Church Street, Highland, CA 92346, (909) 864-3180.

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: CEQA Section 15302 (Replacement and Reconstruction) and Section 15304 (Minor Alterations to Land)
- Statutory Exemptions:
- Other:

Reasons why project is exempt: The project meets the criteria set forth in CEQA Section 15302 (Replacement and Reconstruction) which allows for replacement and reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The project would qualify for this exemption since the site's driveway would remain in the same location and serve the same purpose but would be reconstructed to meet current City standards. In addition, the sewer line would serve the same purpose but would be relocated outside of the driveway where it is currently. The project also meets the criteria set forth in CEQA Section 15315 (Minor Alterations to Land) which allows for minor public or private alterations in the condition of land. The project would qualify for this exemption since it is proposing a change in the condition of land by subdividing one lot into two and the project would not involve the removal of healthy, mature, scenic trees. Further, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environment was identified; the project is not adjacent to a scenic highway; lastly, the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

Lead Agency Contact Person: Carissa L. Garcia

Telephone: (619) 687-5959

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from the California Environmental Quality Act.

Anne O. Parzane, Senior Planner

Signature/Title

July 30, 2024

Date

Check One:

- Signed by Lead Agency
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:



**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 _____

Project Title: SKY PARK PARCEL MAP **Project No. For City Use Only:** _____

Project Address: 9173 AND 9177 SKY PARK COURT

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

Corporation Limited Liability -or- General – What State? _____ Corporate Identification No. _____
 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: RU ITW SKY PARK, LLC Owner Tenant/Lessee Successor Agency

Street Address: 120 Newport Center Drive

City: Newport Beach State: CA Zip: 92660

Phone No.: 949-386-2559 Fax No.: _____ Email: cgriffith@modiv.com

Signature:  Date: 8/22/2022

Additional pages Attached: Yes No

Applicant

Name of Individual: Raymond Pacini Owner Tenant/Lessee Successor Agency

Street Address: 120 NEWPORT CENTER DRIVE

City: NEWPORT BEACH State: CA Zip: 92660

Phone No.: 949-386-2559 Fax No.: _____ Email: RPacini@modiv.com

Signature:  Date: 8/22/2022

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

LEGEND:

APN	ASSESSOR'S PARCEL NUMBER	□	PBV	PAC BELL UTILITY VAULT
ASPH	ASPHALT	○	PIV	PRESSURE INDICATOR VALVE
ATT	ATT UTILITY	—	PL	PROPERTY LINE
B	BOLLARD	—	RC	RADIUS OF CURVE
CB	CONCRETE BASE	—	R	RAISED CONCRETE
CONC	CONCRETE	—	RLD	ROLLDOOR
D	DELTA ANGLE OF CURVE	—	SA	STORAGE AREA
DECO	DECORATIVE CONCRETE	○	SCO	SEWER CLEANOUT
EP	ELECTRICAL UTILITY PANEL	—	SDGE	SAN DIEGO GAS AND ELECTRIC
EV	ELECTRIC UTILITY VAULT	○	SDMH	STORM DRAIN MANHOLE
FD	FOUND MONUMENT - AS NOTED	●	SN	SIGN
FH	FIRE HYDRANT	—	SP	SIGN POST
GMO	GATE MOTOR	—	SPDBMP	SPEEDBUMP
GR	GRATE	—	T	TANGENT LENGTH OF CURVE
GV	GAS VALVE	—	TCR	TELE COMMUNICATIONS UTILITY RISER
H	HEIGHT	—	TE	TRASH ENCLOSURE
HC	HANDICAP	—	TLR	TELEPHONE UTILITY RISER
INST.	INSTRUMENT	—	TR	TRANSFORMER
L	LENGTH OF CURVE	—	TWC	TIME WARNER CABLE
L&T	LEAD AND TAG	—	W	WIDTH
LS	LIGHT STANDARD	—	WM	WATER METER
MC	MOTORCYCLE	—	WR	WATER UTILITY RISER
MH	MANHOLE	—	WV	WATER VALVE
NO.	NUMBER	—	WW	WATER VALVE - TYPICAL
O.R.	OFFICIAL RECORDS	—	WL	WATER LINE
PA	PLANTER AREA	—	WSL	SEWER LINE

MAPPING NOTE:

A PARCEL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR THE EXPIRATION OF THE TENTATIVE MAP, IF APPROVED. A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE PARCEL MAP AND ALL PROPERTY CORNERS SHALL BE MARKED WITH DURABLE SURVEY MONUMENTS.

COORDINATES:

NAD83 COORDINATES: 236-1729; LAMBERT COORDINATES: 1876-6289

BASIS OF BEARING:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF SKY PARK COURT AS SHOWN ON PARCEL MAP NO. 12169 FILED IN BOOK 16583, PAGE 1, RECORDS OF SAN DIEGO COUNTY.

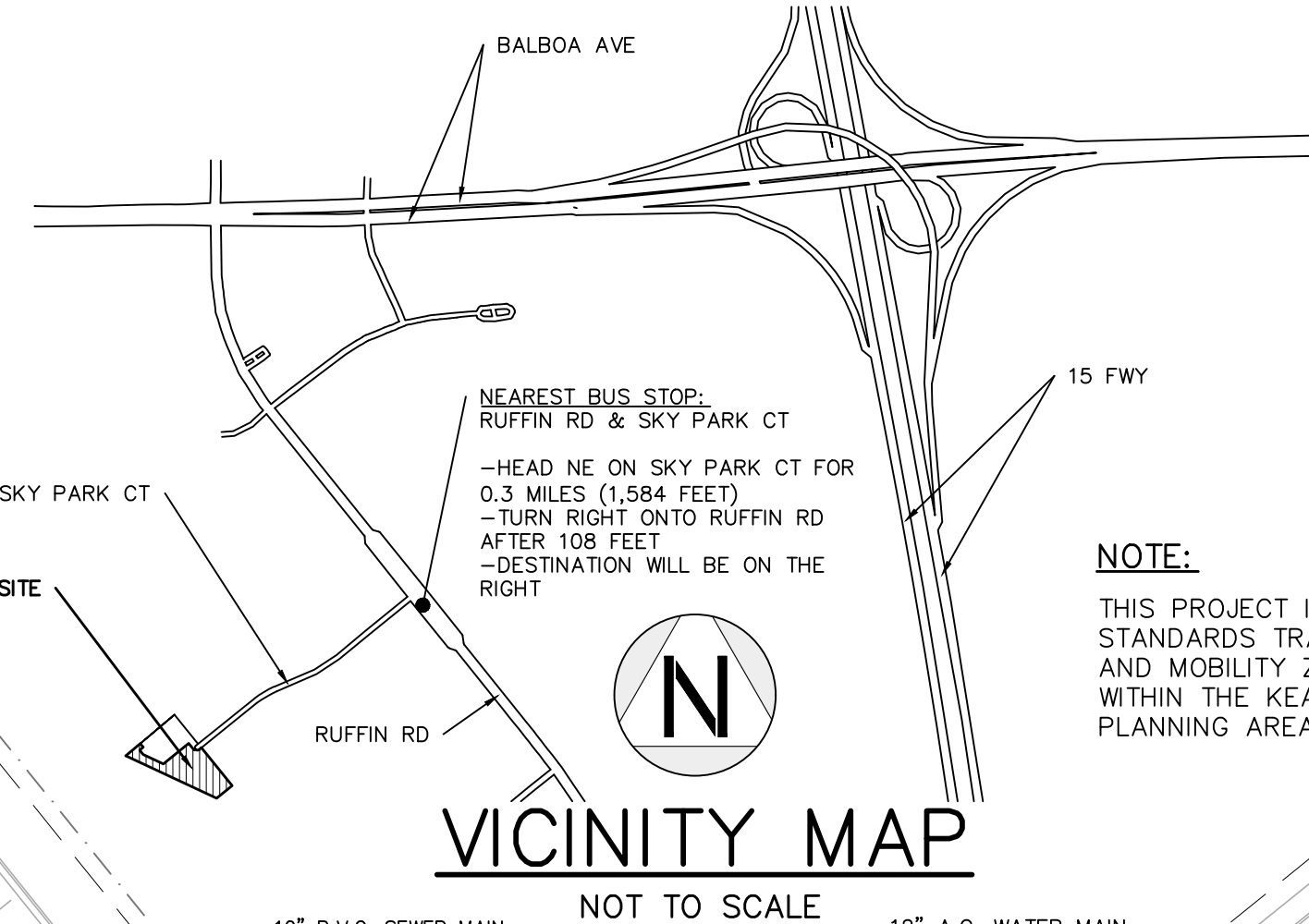
BEARING SHOWN AS N 51° 07' 05" E.

LEGAL DESCRIPTION:

LAND SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 20709, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON SEPTEMBER 16, 2009 AS FILE NO. 2009-0517501 OF OFFICIAL RECORDS.

APN: 369-170-68-00



NOTE:
THIS PROJECT IS LOCATED WITHIN PARKING STANDARDS TRANSIT PRIORITY AREA 2035 AND MOBILITY ZONE 2 IN THE IL-2-1 ZONE WITHIN THE KEARNY MESA COMMUNITY PLANNING AREA, COUNCIL DISTRICT 6.

IN THE CITY OF SAN DIEGO
PRJ. NO.: 1074457
TENTATIVE MAP NO.: 3201348
TENTATIVE PARCEL MAP
PLANNED DEVELOPMENT PERMIT

BEING ALL OF PARCEL 2 OF PARCEL MAP NO. 20709, 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.

SITETECH, INC.

JULY 2024

OWNER:

RU ITW SKY PARK, LLC
3080 BRISTOL STREET, SUITE 550
COSTA MESA, CA 92626

APPLICANT:

MODIV
CONTACT: CECILIA GRIFFITH
120 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA 92660
PH: (949) 386-2559

ENGINEER/MAP PREPARER:

SITETECH, INC.
8061 CHURCH STREET
P.O. BOX 592
HIGHLAND CA 92346
PH: (909) 864-3180

PLANNED DEVELOPMENT PERMIT NOTE:

A PLANNED DEVELOPMENT PERMIT WILL BE REQUIRED FOR THE DEVIATION OF THE REQUIRED LOT FRONTAGE. MINIMUM LOT FRONTAGE REQUIRED FOR THIS PROJECT IS 75'. THE PROPOSED LOTS FRONT A CUL-DE-SAC AND CANNOT MEET THE REQUIRED FRONTAGE. THE FRONTAGE FOR PARCEL 1 IS 55.12' AND PARCEL 2 IS 30.87'.

NOTES:

1. THE PROPOSED PROJECT IS FOR A COMMERCIAL SUBDIVISION. THERE ARE 2 PARCELS PROPOSED FOR THIS PROJECT WHICH CONTAINS NET 3.92 ACRES FOR AN OVERALL LOT DENSITY OF 0.51 LOTS PER NET ACRE. THE MINIMUM LOT SIZE IS 1.80 ACRES.
2. ASSESSOR'S PARCEL NUMBER: 369-170-68
3. THIS PROJECT SIZE IS 3.92 NET ACRES.
4. EXISTING AND PROPOSED ZONING IS IL-2-1 (INDUSTRIAL-LIGHT)
5. LAND USE OF ALL SURROUNDING PROPERTY TO THIS PROJECT: MIXED USE COMMERCIAL - NORTHWEST INDUSTRIAL WAREHOUSING - SOUTHWEST / AIRPORT - SOUTHWEST / MIXED USE COMMERCIAL - NORTHEAST.
6. THERE ARE NO NEW STREETS PROPOSED WITHIN THIS DEVELOPMENT.
7. NO REGULATED TREES WILL BE REMOVED AS A PART OF THIS PROJECT.
8. THE AVERAGE SLOPE OF BOTH FEASIBLE ACCESS ROUTE AND FEASIBLE BUILDING SITE DOES NOT EXCEED TEN PERCENT (10%).
9. THIS PROPERTY IS FULLY DEVELOPED.
10. NO NEW CONSTRUCTION IS PROPOSED AS A PART OF THIS SUBDIVISION.
11. FOR COMPLETE LEGAL DESCRIPTION, SEE BELOW.
12. NO WATER COURSES CROSS THIS PROPERTY AND IT IS NOT WITHIN A FLOOD ZONE.
13. NO GRADING IS PROPOSED AS A PART OF THIS SUBDIVISION.
14. ALL EXISTING EASEMENTS ARE PLOTTED HEREON.
15. THERE ARE TWO EXISTING BUILDINGS TO REMAIN.
16. MAX FLOOR AREA RATIO = 2.0
PARCEL 1: FLOOR AREA = 26,036 S.F. / 78,287 S.F. (LOT AREA) = 0.33 < 2.0 = OK
PARCEL 2: FLOOR AREA = 37,449 S.F. / 92,482 S.F. (LOT AREA) = 0.40 < 2.0 = OK
17. REQUIRED PARKING = 3.45 SPACES PER 1,000 S.F. OF FLOOR AREA
PARCEL 1 REQUIRED: FLOOR AREA = 26,036 S.F. / 1,000 S.F. X 3.45 = 90
PARCEL 1 PROVIDED: REGULAR = 115 HANDICAP = 4 MOTORCYCLE = 3 TOTAL = 122
PARCEL 2 REQUIRED: FLOOR AREA = 37,449 S.F. / 1,000 S.F. X 3.45 = 129
PARCEL 2 PROVIDED: REGULAR = 103 HANDICAP = 4 TOTAL = 107
TOTAL SPACES REQUIRED FOR PARCELS 1 & 2 = 219
TOTAL SPACES PROVIDED FOR PARCELS 1 & 2 = 229 = OK
18. PER DOCUMENT TITLED "RECIPROCAL OPERATING AGREEMENT" RECORDED APRIL 30, 2009 AS INSTRUMENT NO. 2009-0228595, O.R., ACCESS AND PARKING IS SHARED BETWEEN THE PROPOSED PARCELS 1 & 2 ALONG WITH EXISTING PARCEL 1 OF PARCEL MAP 20709.
EXISTING PARCEL 1 REQUIRED: FLOOR AREA = 43,918 S.F. / 1,000 S.F. X 3.45 = 152
EXISTING PARCEL 1 PROVIDED: REGULAR = 150 HANDICAP = 4 MOTORCYCLE = 5 TOTAL = 157
TOTAL SPACES REQUIRED FOR PARCELS 1 & 2 AND EXIST. PARCEL 1 = 371
TOTAL SPACES PROVIDED FOR PARCELS 1 & 2 AND EXIST. PARCEL 1 = 386 = OK
19. REQUIRED BUILDING SETBACKS: EXISTING BUILDING SETBACKS (CLOSEST CONDITION):
FRONT: 20' FRONT: 56.0'
REAR: 15' REAR: 93.5'
SIDE: 10' SIDE: 9.7'

NOTE:

THIS PROJECT PROPOSED THE SUBDIVISION OF 3.92 ACRE PROPERTY INTO TWO PARCELS AND REQUIRES A TENTATIVE MAP WHICH MAY BE APPROVED, CONDITIONALLY APPROVED, OR DENIED IN ACCORDANCE WITH PROCESS 3 PURSUANT TO THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE SECTION 125.0430.

EASEMENT NOTES:

COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS CONTAINED IN DOCUMENT RECORDED FEBRUARY 17, 1959 IN BOOK 7501, PAGE 485 WITH DOCUMENTS DECLARING MODIFICATIONS THEREOF RECORDED OCTOBER 27, 1960 IN SERIES 1, BOOK 1960 AS FILE NO. 213560; JANUARY 16, 1963 IN SERIES 4, BOOK 1963 AS FILE NO. 9655; JULY 13, 1964 IN SERIES 5, BOOK 1964 AS FILE NO. 126116; FEBRUARY 25, 1966 IN SERIES 7, BOOK 1966 AS FILE NO. 33472; JUNE 07, 1978 AS FILE NO. 78-235478; SEPTEMBER 15, 1980 AS FILE NO. 80-297272; MARCH 10, 1981 AS FILE NO. 81-071946; DECEMBER 01, 1981 AS FILE NO. 81-377859; JULY 29, 1982 AS FILE NO. 82-232714; DECEMBER 10, 1984 AS FILE NO. 84-459242; MAY 30, 1986 AS FILE NO. 86-215980; SEPTEMBER 04, 1987 AS FILE NO. 87-505845; APRIL 06, 1990 AS FILE NO. 90-186572; MARCH 29, 1991 AS FILE NO. 1991-0141062; JUNE 19, 1996 AS FILE NO. 1996-0307612; NOVEMBER 24, 1997 AS FILE NO. 1997-0593894 AND AUGUST 01, 2000 AS FILE NO. 2000-0407560, ALL OF OFFICIAL RECORDS - DOES AFFECT - NOT SHOWN - BLANKET IN NATURE.

COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS CONTAINED IN DOCUMENT RECORDED MARCH 04, 1983 AS INSTRUMENT NO. 83-069044 WITH DOCUMENT DECLARING MODIFICATIONS THEREOF RECORDED OCTOBER 28, 1983 AS INSTRUMENT NO. 83-389750, BOTH OF OFFICIAL RECORDS - DOES AFFECT - NOT SHOWN - BLANKET IN NATURE.

EASEMENT TO THE CITY OF SAN DIEGO FOR PUBLIC UTILITIES, INGRESS, EGRESS, AND INCIDENTAL PURPOSES RECORDED SEPTEMBER 13, 1984 AS INSTRUMENT NO. 84-347651 OF OFFICIAL RECORDS - DOES AFFECT - AS SHOWN HEREON.

EASEMENT TO SOUTHERN CALIFORNIA GAS & ELECTRIC COMPANY FOR PUBLIC UTILITIES, INGRESS, EGRESS AND INCIDENTAL PURPOSES RECORDED SEPTEMBER 15, 1983 AS INSTRUMENT NO. 83-328657 AND RECORDED DECEMBER 05, 1984 AS INSTRUMENT NO. 84-454051 OF OFFICIAL RECORDS - DOES AFFECT - NOT SHOWN - CANNOT BE LOCATED FROM THE RECORD DOCUMENT.

EASEMENT TO PACIFIC BELL FOR PUBLIC UTILITIES, INGRESS, AGRESS AND INCIDENTAL PURPOSES RECORDED OCTOBER 31, 1985 AS INSTRUMENT NO. 85-409172 OF OFFICIAL RECORDS - DOES AFFECT - NOT SHOWN HEREON - CANNOT BE LOCATED FROM THE RECORD DOCUMENT.

TERMS, PROVISIONS AND EASEMENTS CONTAINED IN DOCUMENT ENTITLED "RECIPROCAL OPERATING AGREEMENT" RECORDED APRIL 30, 2009 AS INSTRUMENT NO. 2009-0228595 OF OFFICIAL RECORDS - DOES AFFECT - NOT SHOWN - BLANKET IN NATURE.

