



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: September 12, 2012                      REPORT NO. HO 12-076

ATTENTION:                      Hearing Officer

SUBJECT:                      UNIVERSITY CITY VILLAGE MAP  
PTS PROJECT NUMBER: 273969

LOCATION:                      4611 Governor Drive

APPLICANT:                      Robert Bateman, San Diego Land Surveying

### SUMMARY

Issue: Should the Hearing Officer approve the subdivision of two lots into four parcels on a 54.97-acre site in the University City Planning area?

Staff Recommendation – APPROVE Tentative Parcel Map No. 1024568

Community Planning Group Recommendation – The University Community planning Group voted 14-2-0 to recommend approval of the project on May 8, 2012 (Attachment 8).

Environmental Review: The City of San Diego, as Lead Agency, through the Development Services Department, prepared Mitigated Negative Declaration (MND) No. 98-0408 / SCH No. 2000061116 for the University City Village project that was before the San Diego City Council, which certified and adopted the Mitigation Monitoring and Reporting Program (MMRP) on October 3, 2000, by Resolution No. R-293935.

The current project was reviewed and it was determined that in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a):

- (1) No substantial changes are proposed to the project which would require major revisions of the previous MND;
- (2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require revisions to the previous MND; and
- (3) There is no new information of substantial importance that was not known and could not have been known at the time the previous MND was certified that warrants preparation of a subsequent environmental document.

Therefore, no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document. All of the impacts were adequately addressed and disclosed in previously certified MND No. 98-0408 (Attachment 5).

## BACKGROUND

The 54.97-acre project site is located at 4611 Governor Drive in the RM-1-2 Zone and Airport Influence Area Overlay zone, within the University Community Plan area (Attachment 1). The Community Plan designates the site for Residential Development, and the proposed map is consistent with this designation (Attachment 2). The property is located within a developed, urban community, approximately one-half mile from Interstate 805. The site is regulated by, and subject to Resource Protection Overlay/Conditional Use Permit No. 98-0408 and Conditional Use Permit No. 591417, for Project No. 164984 (Attachment 4).

The Conditional Use Permits allow 876 senior and assisted living units on these two lots, and Mitigated Negative Declaration (MND) No. 98-0408 was prepared and certified by the City Council on October 3, 2000, as Resolution No. R-293935 (Attachment 5). No subsequent environmental document is required, because no new additional impacts and/or mitigation measures are required beyond those that were analyzed and disclosed in the original environmental document. The site is currently under construction as a result of the prior approvals.

## DISCUSSION

The project applicant is requesting a Tentative Parcel Map for the subdivision of a two lot, 54.97-acre site into four parcels for multi family development (Attachment 6). Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. The Tentative Map request is a Process Three Hearing Officer decision as outlined in San Diego Municipal Code Section 125.0430 (Decision Process for a Tentative Map). According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps, the decisionmaker may approve a Tentative Map if the decisionmaker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

The proposed subdivision is for land ownership purposes only. No development rights are granted or changed with this proposal. The applicant will be required to underground all existing service to the site per Condition No. 9 of the draft Tentative Map resolution (Attachment 7). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 10 of the draft resolution (Attachment 7).

### **Community Planning Group Recommendation**

The University Community Planning Group voted 14-2-0 to recommend approval of this project with no conditions on May 8, 2012. Minutes indicate the discussion centered around the financing goal for the project owner (Attachment 8).

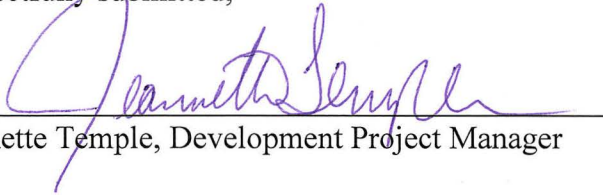
## CONCLUSION

Staff has reviewed the application for the Tentative Parcel Map. Staff has determined that the proposed project complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project. The proposed project was determined to be in accordance with CEQA Section 15162, as covered under MND No. 98-0408, and the adopted MMRP. Therefore, staff recommends that the Hearing Officer approve the Map.

## ALTERNATIVES

1. Approve Tentative Parcel Map No. 1024568, with modifications.
2. Deny Tentative Parcel Map No. 1024568, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

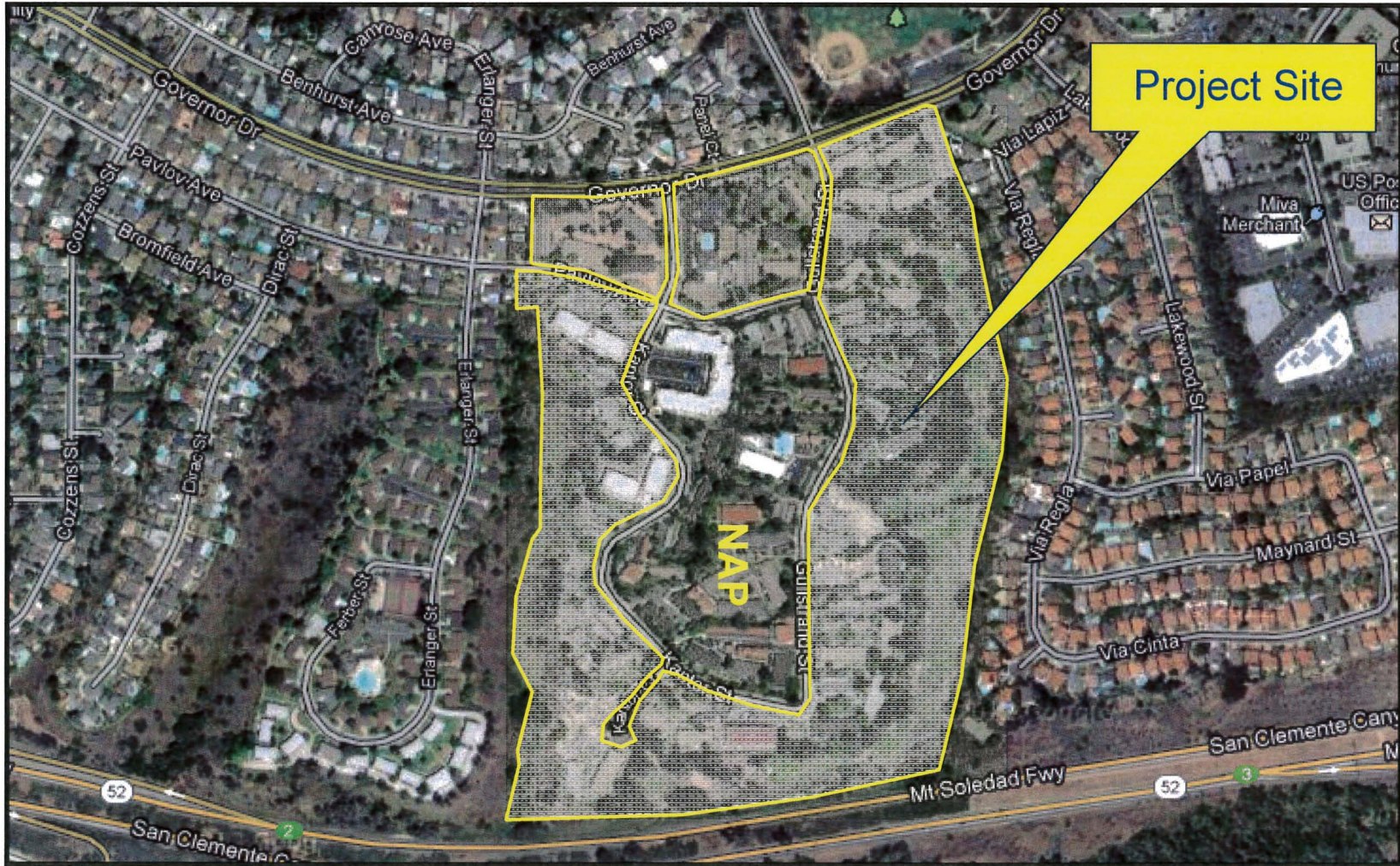


Jeannette Temple, Development Project Manager

### Attachments:

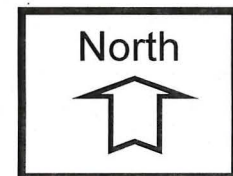
1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map
4. RPO/CUP No. 98-0408 and CUP591417
5. MND No. 98-0408
6. Tentative Map Exhibit (provided to Hearing Officer)
7. Draft Map Resolution with Findings and Conditions
8. University Community Planning Group Recommendation
9. Ownership Disclosure Form
10. Notice of Public Hearing

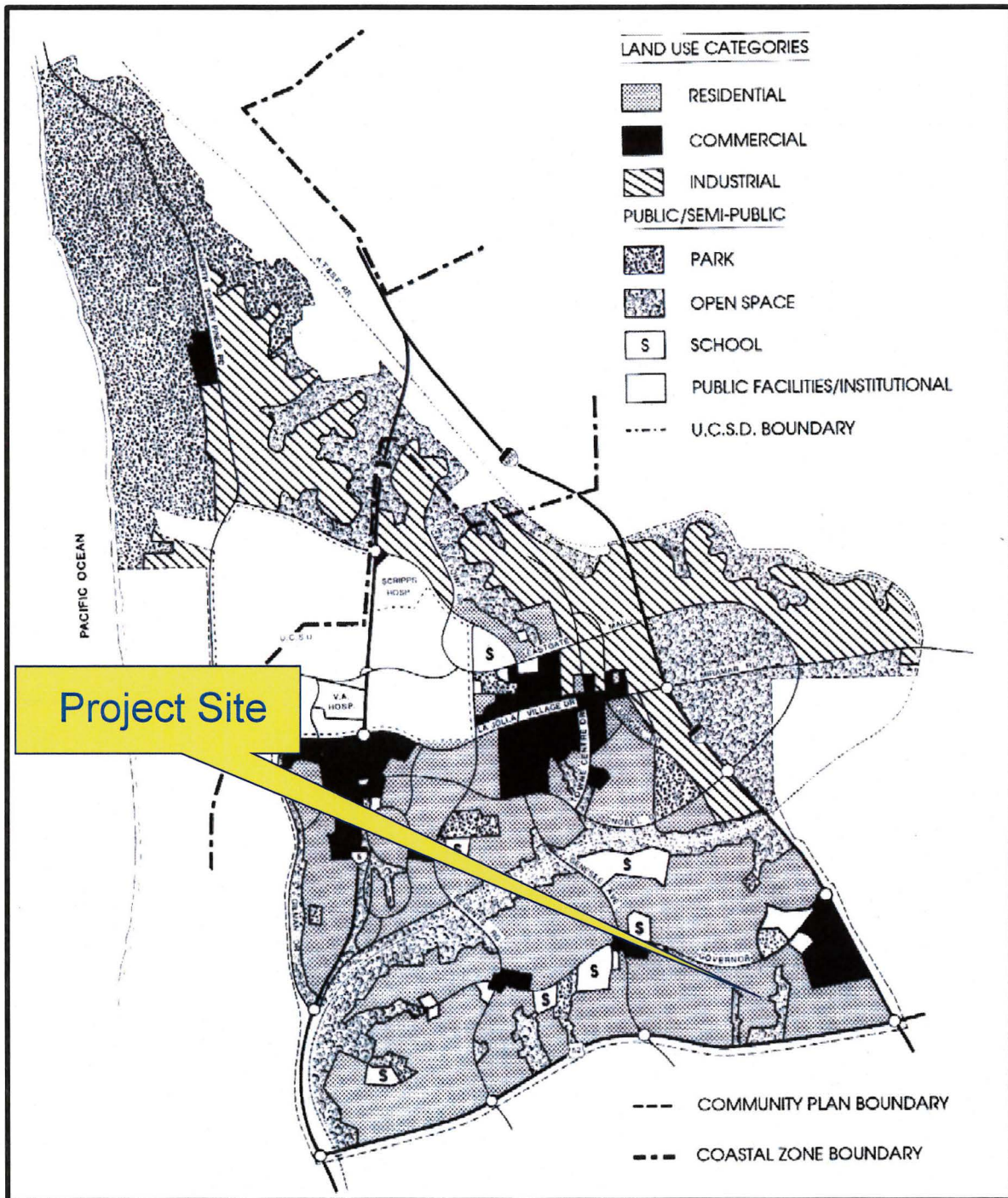
Internal Order Number: 24002532



## Aerial Photo

UNIVERSITY CITY VILLAGE MAP – 4611 GOVERNOR DRIVE  
PROJECT NO. 273969





# Land Use Map

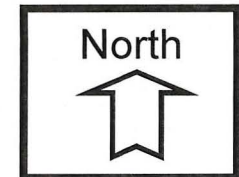
UNIVERSITY CITY VILLAGE MAP -4611 GOVERNOR DRIVE  
PROJECT NO. 273969





## Project Location Map

UNIVERSITY CITY VILLAGE MAP – 4611 GOVERNOR DRIVE  
PROJECT NO. 273969



007935

DOC # 2001-0851013

NOV 21, 2001 10:30 AM

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

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

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 59.00



2001-0851013

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOURCE PROTECTION ORDINANCE/  
CONDITIONAL USE PERMIT NO. 98-0408

UNIVERSITY CITY VILLAGE

CITY COUNCIL

This Resource Protection Ordinance [RPO]/Conditional Use Permit [CUP] is granted by the Council of the City of San Diego to UCVGP, Inc., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0510 and 101.0462, and the Locational Criteria, Design and Development Standards and Guidelines for Senior Citizen Housing Projects. The 75 acre site is located at 4633 Governor Drive in the RS-1-7 zone (previously referred to as the R-1-5000 zone) which is proposed to be rezoned to the RM-1-2 zone (previously referred to as the R-2500 zone) of the University Community Plan area. The project site is legally described as Lots 1 through 4, inclusive of University City Unit 9, Map 5100.

Subject to the terms and conditions set forth in this permit, permission is granted to UCVGP, Inc., Owner/Permittee, to remodel 510 existing senior residential units; demolish thirty-two existing units; construct 599 senior residential units and eighty assisted living units; associated landscaping, parking and public improvements identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 3, 2000, on file in the Development Services Department. The facility shall include:

- a. Remodel 510 existing senior residential units;
- b. Construct 599 senior residential units for a total of 1,109 senior residential units;
- c. Eighty assisted living units;
- d. Ten thousand square foot clubhouse and pool;
- e. Two thousand square foot maintenance building;
- f. Golf course;
- g. Associated parking and public improvements;

CLERK'S OFFICE  
-PAGE 1 OF 10-

ORIGINAL

007936

- h. Landscaping (planting, irrigation and landscape related improvements);
  - i. One thousand one hundred fifty-six off-street parking facilities; and
  - j. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the SDMC in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
  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 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. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
  4. This permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
  5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
  6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
  7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
  8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 3, 2000, on file in the Development Services Department. No

ORIGINAL



007937

changes, modifications or alterations shall be made unless appropriate applications or amendment to this permit has been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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 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. Prior to the expiration date of this CUP, the Permittee may submit a new CUP application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

11. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit "A," dated October 3, 2000, on file in the Development Services Department).

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration, LDR No. 98-0408, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issues: Hydrology/Biological Resources, Noise, Land Use, and Paleontological Resources.

**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.

14. The drainage system proposed for this development is subject to approval by the City Engineer.

ORIGINAL

15. Prior to building occupancy, the applicant shall conform to the "Public Improvement Subject to Desuetude or Damage" as set forth in the SDMC. If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

**PLANNING/DESIGN REQUIREMENTS:**

16. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

17. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

18. A topographical survey conforming to the provisions of SDMC section 101.0216 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

19. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

20. All signage associated with this development shall be consistent with sign criteria established by either of the following:

1. Approved project sign plan (Exhibit "A," dated October 3, 2000, on file in the Office of the Development Services Department); or
2. Citywide sign regulations.

21. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

22. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

24. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than 6 feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

25. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

26. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the SDMC section 101.2001, "Citywide Storage Standards for Trash and Recyclable Materials," to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated October 3, 2000, and on file in the Development Services Department.

**AFFORDABLE HOUSING REQUIREMENTS:**

27. The Owner/Permittee agrees to provide fifteen affordable senior units according to the San Diego Housing Commission's affordability provisions for occupancy by very-low income Senior Citizens at rates affordable at no more than 50 percent of the median area income, as adjusted for utilities and assumed household size.

28. Before issuance of any grading or building permit, an Affordable Senior Housing Plan [Housing Plan] is required to be submitted to the Chief Executive Officer of the Housing Commission which shall specify how the affordable senior units will be provided in the project within four years of the City's approval of this Permit. The Housing Plan shall designate specific units as the "Affordable Senior Units."

29. The monthly rent for the Affordable Senior Units (which shall include a utility allowance) shall not exceed 30 percent of the monthly income of a household earning 50 percent of the area median income, as adjusted for assumed household size, as published by the U.S. Department of Housing and Urban Development [HUD] for the San Diego Metropolitan Statistical Area.

30. The gross annual income of the household occupying an Affordable Senior Unit shall not exceed 50 percent of the current area median income as referenced above.

31. An Affordable Senior Unit shall not be rented to a tenant applicant whose income has not been certified in accordance with the income and occupancy standards set forth above. Such certification shall be performed by the Owner and submitted to the Housing Commission for occupancy approval. Such certifications shall be submitted on forms acceptable to the Housing Commission and shall include verification of compliance with the affordable rent restriction.

**TRANSPORTATION REQUIREMENTS:**

32. Prior to the issuance of any building permits, the applicant shall install pedestrian ramps at all street intersections, including new pedestrian ramps on the northwest and southwest corners of Kantor Court/Kantor Street intersection, and the southwest corner of Pavlov Avenue/Gullstrand Street intersection.

**LANDSCAPE REQUIREMENTS:**

33. No change, modification or alteration shall be made to the project unless an appropriate application or amendment to this Permit has been granted by the City.
34. In the event that a foundation only permit is requested by the Permittee, or subsequent owner, a Site Plan or Staking Layout Plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."
35. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department.
36. Prior to the issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Landscape construction documents shall identify a 40-square-foot water permeable planting area for each street tree in the right-of-way. This area shall be identified as a rectangle with an "X" through it and labeled "planting area for street tree." Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department.
37. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Technical Manual, section 7, and to the satisfaction of the City Manager. All plans shall be in substantial conformance to CUP No. 98-0408 (including environmental conditions) and Exhibit "A," dated October 3, 2000, on file in the Development Services Department.
38. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee, or subsequent owner, to install all required landscape and obtain all required landscape inspections. A No-Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.
39. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
40. The Permittee or subsequent owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a landscape maintenance agreement shall be submitted for review by a landscape planner.

007941

41. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

42. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of "High." The Permittee/Owner shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department.

43. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated October 3, 2000, on file in the Development Services Department.

44. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated October 3, 2000, on file in the Development Services Department, and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, and Section 6 of the Landscape Technical Manual (Document No. RR-274506) on file at the Office of the City Clerk.

45. The Brush Management Zone Depths shall be as follows:

<u>Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
High	40 feet	40 feet	30 feet

46. Within Zone One, combustible accessory structures with less than a one hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc.) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

47. In Zones One, Two, and Three plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

48. Include the following note on the Brush Management Construction Documents, "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

49. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.

ORIGINAL

007942

50. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, section 6, and Appendix C.

51. Prior to the issuance of building permits for Buildings 6, 9, and 10, a brush management easement shall be obtained on adjacent property to the west for purposes of off-site brush management maintenance.

**FIRE REQUIREMENT:**

52. Prior to the issuance of any building or grading permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

53. All buildings are required to be sprinklered and have a fire alarm system.

**WATER AND SEWER REQUIREMENTS:**

54. Prior to issuance of any building or engineering permits, the developer shall grant additional easement to widen the existing water easement (extending westerly from Kantor Court) to a minimum of 20 feet in width (depending on depth of cover and encroachments), or assure, by permit and bond, the design and construction of a 16-inch water main from Kantor Court to the existing main located adjacent to the southerly property line, in a manner satisfactory to the Director of the Water Department and the City Engineer.

55. The developer agrees to design and construct all proposed public water facilities, including easements, in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides.

56. Prior to the issuance of any building permits, the developer shall provide evidence, satisfactory to the Director of the Water Department, indicating that each lot/unit will have its own water service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private water facilities that serve more than one lot/unit.

57. Prior to the issuance of any building or grading permits, the developer shall provide a Sewer Study, satisfactory to the Director of the Metropolitan Wastewater Department, for the sizing, grade and alignment of public sewer facilities and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.

58. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all sewer facilities as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on any plan included with this permit, will require modification based on the accepted Sewer Study.

59. The developer agrees to design and construct all proposed public sewer facilities, including easements, in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Design Guide.

60. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds shall be a minimum of 20 feet wide and

ORIGINAL

007943

surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. Minimum easement widths for sewer mains with manholes is 20 feet. Additional 5-foot-width will be required for each additional utility carried in the same easement. The easements shall be located within single lots.

61. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an Encroachment Removal Agreement.

62. No trees, shrubs, or structures of any kind shall be allowed in or over any access easement. No trees or shrubs exceeding three feet in height at maturity shall be located within ten feet of any public sewer facility.

**INFORMATION ONLY**

63. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on October 3, 2000, by Resolution No. R-293936.

05/14/01; 10/01/01 COR.COPY

L:ADUVERNAYPERMITS\SP98-0408 UnivCityVllg.wpd

ORIGINAL





**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**

THE ORIGINAL OF THIS DOCUMENT  
WAS RECORDED ON JAN 06, 2012  
DOCUMENT NUMBER 2012-0008865  
Ernest J. Dronenburg, Jr., COUNTY RECORDER  
SAN DIEGO COUNTY RECORDER'S OFFICE  
TIME: 9:46 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23431590

Conditional Use Permit No. 591417  
**UNIVERSITY CITY VILLAGE PROJECT NO. 164984**  
Hearing Officer

This Conditional Use Permit No. 591417 is granted by the Hearing Officer of the City of San Diego to Willmark Communities UTC Finance 1, Inc., a California corporation and Pavlov, Inc., a California corporation, Owners and Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 55.5-acre site is located at 4633 – 4807 Governor Drive in the RM-1-2, Airport Environs Overlay (60 CNEL), and the Airport Influence Area (MCAS Miramar) Overlay Zones of the University Community Plan area. The project site is legally described as Lots 1, 2, 7, and 8, inclusive of University City Unit 9, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5100, filed in the Office of the County Recorder of San Diego County, December 21, 1962. Excepting the Southerly 15.00 feet of said Lot 3

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct and operate a senior multi-family development that includes 796 senior multi-family units within two- to three-story structures, 80 assisted living units, and related community amenities as described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated December 14, 2011, on file in the Development Services Department.

The project shall include:

- a. 796 senior multi-family units of approximately 1,277,540 square feet Gross Floor Area (GFA) within twenty-nine, two-story structures and **twenty-seven, three-story structures**; 80 assisted living units within an approximately 57,500 square-foot GFA building; and a recreational building, as identified in the table below:

Proposed Use	Area (Gross AC)	Common (GSF)	Residential (GSF)	Units	Ancillary Uses (GSF)
<b>Parcel 348-200-08</b>	<b>15.47</b>				
Common & Landscape Area	15.47				673,830
<b>Parcel 348-200-07</b>	<b>30.69</b>				
Multi-family	9.32		1,129,792	704	
Surface Parking	5.53				241,068
Common & Landscape Area	15.84				689,820
<b>Parcel 348-200-02</b>	<b>4.40</b>				
Recreational Building	0.68	30,655	29,268	16	
Assisted Living	0.66		57,500	80	
Parcel 348-200-02 Sub-total		30,655	77,148	96	
Surface Parking	0.98				42,683
Common & Landscape Area	2.08				90,402
<b>Parcel 348-200-01</b>	<b>2.71</b>				
Multi-family	0.97		87,825	76	
Surface Parking	0.52				22,556
Common & Landscape Area	0.45				19,779
<b>Total Development</b>		<b>30,655</b>	<b>1,304,385</b>	<b>876</b>	<b>1,780,138</b>
<b>Total – Project Area</b>	<b>53.27</b>				

AC: acreage

GSF: gross square footage

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Executive 9-hole golf course and starter house; and

- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 30, 2014.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

11. This Permit may be developed in phases. Each phase shall be constructed prior to lease to individual tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

12. This Permit shall be applicable to only the parcel lots as legally described herein and/or subdivided thereafter. The Owner/Permittee of the aforementioned parcel lots shall comply with Resource Protection Ordinance/Conditional Use Permit (RPO/CUP) No. 98-0408.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

13. The Owner/Permittee shall comply with the MMRP as specified in the previously certified Mitigated Negative Declaration No. 98-0408, to the satisfaction of the Development Services Department and the City Engineer.

**ENGINEERING REQUIREMENTS:**

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

15. This project proposes to export 6,700 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per San Diego Municipal Code section 141.0620(i).

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

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

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

19. The drainage system proposed for this development and outside of the public right-of-way is private and subject to approval by the City Engineer.

20. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI

from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009 0009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009 DWQ.

21. As a condition of issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the reconstruction/upgrade of all existing pedestrian ramps adjacent to this development to the current city standards with truncated domes and satisfactory to the city engineer.

22. All filter inserts for the BMPs will not be installed in the inlets within the public right-of-way. All inserts will be in the private storm drain inlets and outside of the public right-of-way.

**LANDSCAPE REQUIREMENTS:**

23. Prior to issuance of any construction permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards 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 Office of the Development Services Department.

24. Prior to issuance of any construction permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft 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.

25. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

26. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted 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 Office of the Development Services Department. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC 142.0403(b)5.

27. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

29. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

30. The Permittee or subsequent Owner(s) shall be responsible to ensure that irrigation drainage run off shall be directed away from the transitional areas to ensure that no impacts occur from runoff in any of these areas.

31. The Permittee or subsequent Owner(s) shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

32. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced 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.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

33. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan, on file in the Office of the Development Services Department.

34. Prior to issuance of any construction permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

35. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the San Diego Municipal Code (SDMC) section 142.0412 and modified per provisions under SDMC sections 142.0412(f, i & j) as follows:  
The building structures 2C, 3A,3B, 4A, 4B, 5A,5B, 6A, 6B, 6C, 7A, 7B, 8A, 8B, 9A, 10A, 11A,12A, 12B, 12C, 13B and 13C shall observe a modified Zone One and a Zone Two as shown on the Brush Management Plan of Exhibit "A."

36. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be

approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.

37. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.'

38. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

39. Prior to Final Inspection and Framing Inspection for any building, the approved Brush Management Program shall be implemented.

40. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

**FIRE AND LIFE SAFETY REQUIREMENTS:**

41. The Owner/Permittee shall provide the fire wall structure as shown on Exhibit "A" plans as mitigation for brush management requirements.

**PLANNING/DESIGN REQUIREMENTS:**

42. 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.

43. The project shall comply with the 15-foot setback requirement along all street frontages. No parking, building or other structure may encroach into the required 15-foot setback unless permitted by the zone.

44. Prior to issuance of any construction permit for a residential structure, the Owner/Permittee shall demonstrate that adequate noise attenuation measures are provided to ensure an interior noise level of 45 dB CNEL for all habitable rooms. Construction plans shall indicate the noise attenuation measures that will be provided to ensure an interior noise level of 45 dB CNEL.

45. Prior to the issuance of any construction permit for a residential structure or demolition permit, the Owner/Permittee shall submit the following in order for Development Services Department to confirm the number of existing dwelling units and floor area ratio:

- a. Site plan showing all existing structures, including those under construction or for which a construction permit has been issued. The plan shall indicate the number of existing dwelling units or units under construction for each building;



- b. San Diego County Assessor Residential Building Records for all structures that remain and were built prior to approval of RPO/CUP Permit No. 98-0408;
- c. Approved construction permit applications and final inspections (if already constructed and completed) for any structure constructed or approved for construction after approval of RPO/CUP 98-0408; and
- d. A table or worksheet summarizing the total number of existing dwelling units for each building structure and gross floor area for each building as shown on the site plan required above.

46. Prior to issuance of each construction permit for a residential structure, the Owner/Permittee shall provide a reduced site plan, 11-inch x 17-inch size, indicating all existing buildings or buildings under construction at the time of project submittal and labeled as such. The Owner/Permittee shall also submit a worksheet or table that indicates the number of dwelling units (existing or under construction at the time of project submittal) referencing each structure shown on the site plan. The site plan and worksheet/table shall be updated for each application for a construction permit for a residential structure.

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

48. 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

49. The Community Center building shall only be used by residents of the senior housing complex.

50. A minimum of 909 automobile spaces (including 54 standard accessible spaces of which 7 will be van accessible spaces), 28 motorcycle spaces, and 22 bicycle spaces with rack(s) shall be provided as required by the Land Development Code. 1107 automobile spaces (including 55 standard accessible spaces of which 18 will be van accessible), 36 motorcycle spaces, and 68 bicycle spaces with rack(s) will be provided as indicated in the project's Exhibit "A." 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 Development Services Director.

51. Prior to issuance of any construction permit for each phase of the development, the Owner/Permittee shall provide a transportation shuttle service, and/or proof thereof continued service, for the residents which will provide transportation service at a reasonable frequency of service, satisfactory to the City Engineer. The shuttle route shall provide service to local commercial areas including, but not limited to: University Towne Center Shopping mall located at the corner of La Jolla Village Dr. /Genesee Ave., the University Square Shopping Center located at the corner of Governor Dr. /Genesee Ave., and the University City shopping center located on the corner of Governor Dr. /Regents Rd.

52. Transportation shuttle service shall be provided to the residents in perpetuity with this Permit and RPO/CUP No. 98-0408.

53. No fences, shrubs or any other objects higher than 36- inches (3 feet) in height are permitted in the visibility triangle areas as shown on the approved "Exhibit A."

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

54. All onsite sewer facilities serving this site shall be private.

55. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

56. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the construction permit plan check.

57. No permanent structures, substructures, trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities or in any sewer access easement.

58. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water facilities. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public water main.

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

60. The Owner/Permittee shall provide and utilize reclaimed water services for all landscape and open recreation areas, including the golf course development area.

61. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall assure, by permit and bond the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of Public Utilities and the City Engineer. All irrigation systems must be designed to utilize reclaimed water.

62. It is the sole responsibility of the Owner/Permittee for any damage caused to City of San Diego public water facilities, adjacent to the project site, due to the construction activities associated with this project. In the event any such facility loses integrity then, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

63. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway,

and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

64. Prior to the issuance of any construction permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
65. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner the Director of Public Utilities and the City Engineer.
66. The Owner/Permittee shall design and construct all proposed public water facilities in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices.

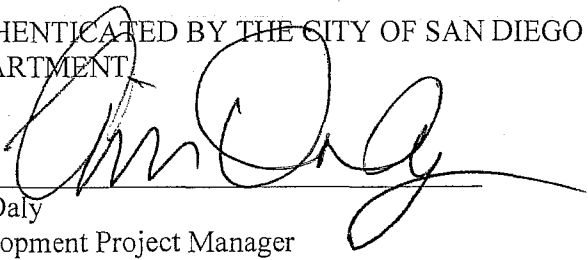
**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 Hearing Officer of the City of San Diego on December 14, 2011 and Hearing Officer Resolution No. HO-6481.

Permit Type/PTS Approval No.: CUP No. 591417  
Date of Approval: December 30, 2011

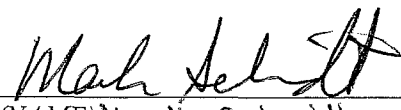
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

  
\_\_\_\_\_  
Tim Daly  
Development Project Manager

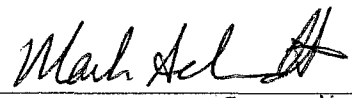
**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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.

**Willmark Communities UTC Finance 1, Inc., a  
California corporation**  
Owner/Permittee

By   
(NAME) Mark Schmidt  
(TITLE) President

**Pavlov, Inc., a California corporation**  
Owner/Permittee

By   
(NAME) Mark Schmidt  
(TITLE) President

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

**ORIGINAL**

**BINDER**5230 CARROLL CANYON RD  
348-200-0100

Land Development  
Review Division  
(619) 446-5460

**Mitigated Negative Declaration**

LDR No. 98-0408  
SCH. No. 2000061116

**SUBJECT:** University City Village Apartments. CONDITIONAL USE PERMIT (CUP), REZONE (RZ), and COMMUNITY PLAN AMENDMENT (CPA) (No. 98-0408) for the construction of an additional 599 senior residential units, including second story additions to existing single story units and the construction of new residential units; 80 assisted living units; associated parking improvements; and improvements to segments of an existing sewer line. The site would be redesignated in the *University Community Plan* from single-family (5-10 du/ac) to multi-family (15-30 du/ac) and rezoned from R-1-5000 to R-2500 to reflect the existing and proposed developments. The 75-acre project site is located at the existing University City Village senior apartment complex on Governor Drive in the University City Community. The site is situated south of Governor Drive, north of State Route 52 and Marian Bear Memorial Park, between Interstate 805 and Genesee Avenue (University City Unit 9, Lots 1-4, Map No. 5100, City and County of San Diego). Applicant: UCVGP, Inc.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study, which determined that the proposed project could have an effect in the following area(s): Hydrology/Water Quality, Biological Resources, Noise, Land Use, Paleontological Resources and General Conditions. Subsequent revisions in the project proposal create mitigation measures identified in Section V of this Mitigated Negative Declaration. The project, as revised, now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

- IV. DOCUMENTATION:

The Attached Initial Study documents the reasons to support the above Determination.

## V. MITIGATION, MONITORING AND REPORTING PROGRAM:

As conditions of, the following mitigation measures are required to reduce potentially adverse impacts associated with Hydrology/Water Quality, Biological Resources, Noise, Land Use and Paleontological Resources:

Hydrology/Water Quality

1. Prior to the issuance of grading permits, the owner/permittee shall prepare a Storm Water Pollution Prevention Plan (SWPPP), containing all of the following requirements, satisfactory to the City Engineer.
  - a. Comprehensive permanent post-construction Best Management Practices (BMPs) shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the streets, landscaping and parking lots into storm drain areas, as shown on Exhibit A, satisfactory to the City Engineer. (Fees or equivalent alternative available technologies and BMPs, may be approved by the City Engineer).
  - b. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City- and State-approved SWPPP on the job-site during all construction activities."
  - c. Prior to the issuance of certificates of occupancy, the City Engineer shall inspect the permanent, post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs, may be required by the City Engineer based on the field inspection.
  - d. The SWPPP shall include a permanent maintenance plan, prepared satisfactory to the City Engineer, which defines the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls.

Biological Resources

2. Prior to construction, the applicant shall contribute \$5775 (includes 10% administration fee) to the City's Habitat Acquisition Fund for impacts to 0.1 acre of oak woodland and 0.05 acre of southern mixed chaparral within Brush Management Zone 1.
3. The sewer upgrade in Marian Bear Park shall be carried out with either of the following two options satisfactory to the City Engineer, the City Park and Recreation Biologist and the Environmental Review Manager (ERM) of Land Development Review:

Recreation Biologist and the Environmental Review Manager (ERM) of Land Development Review:

a. Option A: "Jack and Bore"

Any vegetation disturbed during the "Jack and Bore" process shall be replaced following construction in accordance with the City's established mitigation ratios. A Restoration Plan shall be submitted and approved by the City's Planning and Land Development Department ERM and the Park and Recreation Department's Biologist prior to the issuance of grading permits.

b. Option B: Trenching

- 1) Prior to the issuance of the certificate of occupancy, the applicant shall restore 0.18 acre of wetlands within Marian Bear Memorial Park. The disturbance footprint of the pipeline (0.06 acre) within southern sycamore-alder riparian woodland shall be restored to mitigate temporary impacts associated with the sewer line improvement. Habitat restoration of approximately 0.12 acre shall occur on-site within Marian Bear Park and in accordance with the Marian Bear Natural Resource Management Plan.
  - 2) A Five Year Monitoring and Reporting Program shall be submitted and approved by the City's Planning and Land Development Department ERM and the Park and Recreation Department's Biologist prior to the issuance of grading permits.
4. All direct and indirect impacts to active raptor nests from brush management shall be avoided. Prior to issuance of the grading permit, the project biologist shall perform a final survey and submit a letter to EAS with any recommendations for avoidance or negative findings.

Noise

5. In accordance with the City's Noise Ordinance, all construction and general maintenance activities, except in an emergency, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday and shall utilize the quietest equipment available.
6. The following will be made conditions of the CUP to ensure mitigation of noise impacts.
  - a. All perimeter units with a direct street noise exposure shall be constructed with architectural components that achieve a 25 dB Noise Level Reduction (NLR)

sound attenuation package is the use of dual-paned windows with a minimum sound transmission class (STC) of 25 or higher. Typical dual-paned windows have STCs of 26 to 28 dB. Use of dual-paned windows in new units facing Governor Drive or SR-52 would allow interior standards to be readily met.

- b. The entire project must achieve a minimum NLR of 17 dB to protect against aircraft noise from MCAS Miramar. In order to attain an NLR of 17 dB, all new units within University City Village shall include supplemental ventilation to allow for upstairs window closure facing the noise source. Air conditioning shall be required as a standard feature in these units.
- c. All rental agreements shall contain clear language that while the project meets average noise exposure standards from military aircraft operations, single-event noise and vibration may, at times, be clearly audible, even inside units with closed doors and windows.
- d. Prior to the issuance of building permits, confirmation that the project meets City and State Building Code Requirements for noise protection shall be provided to EAS.
- e. The applicant shall contract a qualified acoustical engineer to monitor noise levels at the occupied residential units. Noise levels at the occupied residential units shall not exceed 65 dB-A) CNEL. If noise levels do exceed 65 (a)CNEL, temporary noise barrier(s) shall be implemented to reduce noise levels to below 65 (a)CNEL. Barriers shall be adjusted as necessary during construction to ensure that construction noise levels at the occupied residential units are no greater than 65 (a)CNEL.
- f. Prior to the issuance of building permits, a subsequent acoustical analysis shall be submitted to EAS to verify incorporation of all noise control requirements on building and site plans.

#### Land Use

7. All proposed utility lines shall be designed to avoid or minimize intrusion into the MHPA. These facilities shall be routed through developed or developing areas rather than the MHPA, where possible. If no other routing is feasible, then the lines shall follow previously existing roads, easements, rights-of-way, and disturbed areas, minimizing habitat fragmentation.
8. All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located and constructed to minimize environmental impacts. All such activities shall avoid disturbing the habitat of MSCP covered species, and



wetlands. If avoidance is infeasible, mitigation shall be as stated in the Biological Resource Mitigation Measures.

9. Temporary construction areas and roads, staging areas, or permanent access roads shall be restricted to disturbed areas rather than in habitat. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion shall be implemented in accordance with the City's Biological Review References.
10. No invasive species and/or non-native plant species shall be planted in or adjacent to the MHPA.
11. Prior to the issuance of grading permits, the project biologist shall train construction crews and field workers to ensure that all conditions of the Biological Monitoring Program are met.

#### Paleontological Resources

12. Prior to the issuance of grading permits, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified paleontologist and/or paleontological monitor (as defined in the *City of San Diego Paleontological Guidelines*, revised April 2000) have been retained to implement the paleontological monitoring program during the excavation for the new facilities. The requirement for monitoring shall be noted on the grading plans.
13. All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the issuance of the grading permit.
14. The qualified paleontologist or paleontological monitor shall attend any preconstruction/pregrading meetings to consult with City staff and the excavation contractor.
15. The paleontologist or paleontological monitor shall be on-site full-time during excavation into previously undisturbed formations. The monitoring time may be decreased at the discretion of the paleontologist in consultation with LDR.
16. If significant fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.
17. In the event that significant fossil resources are discovered, the paleontologist shall immediately contact LDR. The determination of significance shall be at the discretion of the qualified paleontologist.

18. The qualified paleontologist shall be responsible for preparation of fossils to a point of identification and submittal of a letter of acceptance from a local qualified curation facility (as defined in the *City of San Diego Paleontological Guidelines*). The paleontologist shall record any discovered fossil sites at the San Diego Natural History Museum.
19. The qualified paleontologist shall be responsible for the preparation of a monitoring results report with appropriate graphics summarizing the results (even if negative), analysis, and conclusions of the above program. The report shall be submitted to LDR within three months following the termination of the paleontological monitoring program.

#### General

20. Prior to the issuance of grading permits, the applicant shall submit a \$3,200.00 deposit with an updated Responsible Party form to EAS to ensure the successful completion of the Mitigation Monitoring and Reporting Program.
21. All of the environmental mitigation measures listed above shall be shown on the construction plans under the heading, "Environmental Requirements".

#### VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

##### City of San Diego

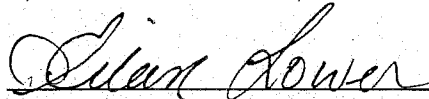
- Councilmember Mathis, District 1
- Planning and Development Review (78, 78A, 79, 352)
- Robin Stribley, Park and Recreation (91A)
- Engineering and Capital Improvements (86)
- Environmental Services (93A)
- Community Planning (MS 4A)
- U.S. EPA (19)
- MCAS Miramar (13, 484)
- U.S. Fish and Wildlife Service (23)
- U.S. ACOE (26)
- California Dept. of Fish and Game (32)
- Regional Water Quality Control Board, Region 9 (44)
- State Clearinghouse (46)
- Gray Panthers (202)
- Council for Older Americans (204)
- University Community Planning Group (480)
- University City Library (488)
- County Department of Human Services, Area Agency on Aging (205)

County Department of Human Services, Area Agency on Aging (205)  
Union-Tribune (140)  
UCVGP, Inc., Applicant  
MW Steele, Agent

VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Monitoring and Report Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

  
\_\_\_\_\_  
Eileen Lower, Senior Planner  
Planning and Development Review Department

June 26, 2000  
Date of Draft Report

August 2, 2000  
Date of Final Report

Analyst: Holly Smit

## DEPARTMENT OF FISH AND GAME

South Coast Region  
4949 Viewridge Avenue  
San Diego, California 92123  
(858) 467-4201  
FAX (858) 467-4235



July 25, 2000

Holly Smit  
City of San Diego  
1222 First Avenue  
San Diego, CA 92101

**Comments on the Mitigated Negative Declaration for the University City Village  
Apartments Project in the City of San Diego  
(SCH#200061116)**

Dear Ms. Smit:

The Department of Fish and Game (Department) has reviewed the above-referenced Mitigated Negative Declaration (MND) that we received on June 29, 2000. The Department is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the state's biological resources.

The project proposes an additional 599 senior residential units, 80 assisted living units, associated parking improvements and replacing an existing sewer line on the existing 75-acre University City Village senior apartment complex on Governor Drive in the City of San Diego (City). Replacement of the sewer line will impact a portion of Marian Bear Park within the Multiple Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program Subarea Plan.

According to the MND, significant impacts associated with the proposed improvements include impacts to 0.1 acres of oak woodland and 0.05 acres of southern mixed chaparral due to brush management; and up to 0.06 acres of impacts to southern sycamore-alder riparian woodland (SSARW) within the MHPA. Impacts to SSARW may be reduced depending on method of sewer pipe installation—"jack and bore" or trenching. According to the MND, impacts to wetland vegetation would be avoided through the use of the "jack and bore" method and would involve 0.6 acres of temporary impacts through the trenching method. Eucalyptus woodland exists along the southern and eastern boundaries of the site.

Impacts to 0.1 acres of oak woodland and 0.05 acres of southern mixed chaparral will be mitigated through the contribution of \$5775 to the City's Habitat Acquisition Fund. No mitigation measures are proposed if "jack and bore" methods are used in the installation of the sewer pipe. If the trenching method is selected, the applicant will restore the disturbance

footprint of the pipeline (0.06 acres) and approximately 0.12 acres within Marian Bear Park in accordance with the Marian Bear Natural Resource Management Plan.

The Department offers the following comments and recommendations:

1 Upon reviewing Figure 5. Vegetation Communities Impacted by Brush Management of the MND, it appears that southern willow scrub (SWS) habitat exists within the brush management area along the western boundary of the project site. Clearing or thinning within sensitive habitats should be considered a significant impact and we recommend the project avoid removal or thinning of SWS. Clearing of vegetation within this habitat will require mitigation in conformance with the City's Land Development Manual-Biology Guidelines. Use of trenching methods during sewer pipe installation and/or removal of SWS habitat will require a Streambed Alteration Agreement, pursuant to Section 1600 *et seq.* of the Fish and Game Code, with the applicant prior to the applicant's commencement of any activity that will divert, obstruct or change the natural flow or the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department, as a responsible agency under CEQA, may consider the local jurisdiction's (lead agency) Negative Declaration or EIR for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A Streambed Alteration Agreement may be obtained by writing to The California Department of Fish and Game, Environmental Services Division, 4949 Viewridge Avenue, San Diego, CA 92123 or calling (858) 636-3160.

3 Page 11 of the Initial Study Checklist states that the proposed project would impact "...2.30 acres of golf course vegetation, and 4.70 acres of non-native grassland..." Please specify whether the dominant species found within the golf course vegetation are considered ornamental/non-native species. Impacts to non-native grassland should be mitigated in conformance with the City's Land Development Manual-Biology Guidelines to include preservation onsite or acquisition offsite at a 0.5:1 preservation/ acquisition-to-impact ratio.

4 According to the Mitigation, Monitoring and Reporting Program included in the MND, "All direct impacts to active raptor nests from brush management shall be avoided." The project should avoid significant indirect as well as direct impacts to all avian nests during the course of construction activity pursuant to Section 3503 *et seq.* of the California Fish and Game Code. Construction activities which may disrupt breeding behavior should be performed outside of the nesting season, if feasible. During the breeding season, noise attenuation measures should be incorporated into the project to reduce unnecessary impacts to nests in the vicinity.

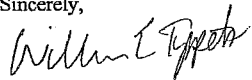
## RESPONSE TO COMMENTS

1. Southern willow scrub is only impacted in brush management zone 2, which is considered to be an impact neutral zone under the provisions of the MSCP implementing plan. Plants in this area would only need to be thinned at a maximum of 50%. No clearing will take place in zone 2.
2. The applicants understand that a Streambed Alteration Agreement must be obtained for any clearing or grading impacts in wetlands.
3. The golf course and associated non-native grass vegetation are considered to be existing landscaping components and are not considered mitigable non-native grassland habitat in this situation.
4. The MND has been updated to include indirect impacts.

Holly Smit  
July 25, 2000  
Page 3

The Department appreciates the opportunity to comment on your project. Questions and comments regarding this letter should be directed to Warren Wong at (858)636-3167.

Sincerely,



William E. Tippetts  
Habitat Conservation Supervisor

cc: Department of Fish and Game  
Don Chadwick  
File

U.S. Fish and Wildlife Service  
Josh Garcia

State Clearinghouse



STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse

Gray Davis  
GOVERNOR

July 27, 2000

Holly Smit  
City of San Diego - PDR / LDR / FAS  
1222 First Avenue, MS-501  
San Diego, CA 92101

Subject: University City Village  
SCH#: 2000061116

Dear Holly Smit:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on July 26, 2000, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse



Steve Nissen  
ACTING DIRECTOR

Document Details Report  
State Clearinghouse Data Base

SCH# 2000061116  
Project Title University City Village  
Lead Agency San Diego, City of

Type Neg Negative Declaration  
Description To renovate and redevelop a 75 acre senior residential complex with 599 units.

Lead Agency Contact

Name Holly Smit  
Agency City of San Diego - PDR / LDR / FAS  
Phone 619-446-5378 Fax  
email  
Address 1222 First Avenue, MS-501  
City San Diego State CA Zip 92101

Project Location

County San Diego  
City San Diego, University City  
Region  
Cross Streets Governor / Gullstrand  
Parcel No.  
Township Range Section Base

Proximity to:

Highways  
Airports  
Railways  
Waterways  
Schools  
Land Use R-5000, to R-2500 - single family but developed currently as multi-family under a CUP

Project Issues Aesthetic/Visual; Archaeologic-Historic; Drainage/Absorption; Noise; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Landuse

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 11; Department of Housing and Community Development; Department of Health Services; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; State Lands Commission

Date Received 06/27/2000 Start of Review 06/27/2000 End of Review 07/26/2000

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
916-445-0613 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

Note: Blanks in data fields result from insufficient information provided by lead agency.

City of San Diego  
Development Services  
LAND DEVELOPMENT REVIEW DIVISION  
1222 First Avenue, Mail Station 501  
San Diego, CA 92101  
(619) 236-6460

INITIAL STUDY  
LDR No. 98-0408  
SCH. No. 2000061116

SUBJECT: University City Village Apartments. CONDITIONAL USE PERMIT (CUP), REZONE (RZ), and COMMUNITY PLAN AMENDMENT (CPA) (No. 98-0408) for the construction of an additional 599 senior residential units, including second story additions to existing single story units and the construction of new residential units; 80 assisted living units; associated parking improvements; and improvements to segments of an existing sewer line. The site would be redesignated in the *University Community Plan* from single-family (5-10 du/ac) to multi-family (15-30 du/ac) and rezoned from R-1-5000 to R-2500 to reflect the existing and proposed developments. The 75-acre project site is located at the existing University City Village senior apartment complex on Governor Drive in the University City Community. The site is situated south of Governor Drive, north of State Route 52 and Marian Bear Memorial Park, between Interstate 805 and Genesee Avenue (University City Unit 9, Lots 1-4, Map No. 5100, City and County of San Diego). Applicant: UCVGP, Inc.

I. PURPOSE AND MAIN FEATURES:

The proposed Conditional Use Permit (CUP), Rezone, and Community Plan Amendment to be considered by the City Council (Process 5), would allow for the construction of 599 new senior apartments and 80 assisted living units, demolition of 32 existing units and renovation of the remaining 510 units on a 75 acre site known as the University City Village Apartments (Figure 3, Proposed Site Plan). All the housing units would be designated for seniors. The new units would be constructed as second story additions to the existing apartment buildings and as new units, resulting in a total of 1,189 units on the project site. All existing units would be refurbished and updated. New units would include one or two bedroom(s), kitchen, living room, bathroom(s), storage area, and patios. New two-story residential buildings would be approximately 26 feet in height, with unit square footage ranging from 600 square feet to 1,000 square feet. Buildings would feature exterior stairways, second story arched windows, balconies with sliding glass doors and landscaped walkways. Building accents would include wood trellises and wood window boxes. Building materials for the units would include composition asphalt roof shingles, wood railings, stucco and glazing. No garages would be provided; however, covered parking lots would be provided within easy walking distances and



across flat surfaces to each unit. Vehicular access to apartment buildings is provided, and would continue to be provided by an internal network of public streets. Gullstrand and Kantor Streets enter the project site from Governor Drive and form an internal loop. Pavlov Avenue parallels Governor Drive within the project site. Beginning at Gullstrand Street, Pavlov Avenue connects across Kantor Street and continues off-site into the residential neighborhood to the west.

Overall, the project would provide a total of 1,156 parking spaces for the 1,189 units (the 80 assisted living units reduce the need for a 1:1 parking ratio). The proposed project would also provide a maintenance storage yard adjacent to a new clubhouse/recreation center. The existing clubhouse/recreation center would be demolished and a new facility would be constructed. The new single-story clubhouse would include a village-type structure at a maximum of 12,000 square feet, a new pool, jacuzzi, garden and parking area. The new clubhouse would feature a main entry area, a great room for lunches, bingo and other activities. The clubhouse may also include a stage, lounge or "living room", a kitchen/pantry, men's and women's toilets/showers, an exercise room, rental offices, library/computer room, craft room, entertainment/multi-purpose room and a game room.

Landscaping for the project would add to the existing landscaping of the University City Village Apartments. Additional landscape areas would consist of accent shrubs surrounding the residential units and pedestrian walkways. Landscape forms would include ground cover and turf and broad-headed and flowering accent street trees. Trees would be provided in expanded parking areas. All landscaping would comply with the City of San Diego's Landscape Technical Manual. The project includes establishing a 110-foot wide brush management zone. Zone 1 would be 40 feet wide, and Zone 2 would be 70 feet wide. The City requires that Zone 1 Brush Management areas be cleared of up to 75% of vegetated cover to lessen the threat of fire damage to the site.

Finally, the project would include improvements to an approximate 150-foot segment of an existing 8-foot diameter sewer line located in the southwest corner of the property. Improvements include installation of a segment of new 10-foot diameter pipe within the existing sewer easement. The sewer pipeline continues south of the property, crosses under State Route 52 (SR-52) and connects with a sewer line within Marian Bear Park in San Clemente Canyon. The project would require grading within the sewer easement to install the segment of new pipe.

## II. ENVIRONMENTAL SETTING:

The University City Village Apartments project site encompasses approximately 75 acres. The project site is located south of Governor Drive and north of SR-52, between Interstate 805 and Genesee Avenue in the University City Community Planning Area (see

Figure 1, *Regional Map*, Figure 2, *Vicinity Map* and Figure 4, *Aerial Photograph*). The site is shaped like an irregular triangle and is relatively flat with low points of approximately 230 feet above mean sea level (AMSL) in southern and western canyon areas and with the developed mesa portion ranging from a 370 AMSL (northern area) to 280 AMSL (southern area). The entire project site is developed as a senior housing apartment project, with the exception of portions of a small canyon tributary to San Clemente Canyon located in the western portion of the site, and a 9-hole golf course in the eastern and southern portion of the site. There are 89 single-story separate apartment buildings which contain a total of 542 individual apartments. Apartment buildings are surrounded by landscaped areas and are connected with internal pedestrian walkways. Parking areas are strategically located to provide easy access to units. A clubhouse and recreational facilities are located in the northern portion of the site, adjacent to Governor Drive. A parking lot and golf club house are located in the northeastern portion of the site.

The project proposes an amendment to the University Community Plan and a Rezone from R-1-5000 to R-2500. Although the project site is currently developed with multiple family units, the University Community Plan identifies the project site for single family housing. The current uses are allowed under a Conditional Use Permit. Both the existing and proposed projects are multi-family housing developments. The community plan would be amended to designate the project site as Multi-Family, thereby reflecting the existing and proposed uses. The existing R-1-5000 zone allows single family residential development at a density of one dwelling unit per 5,000 square feet of area. The proposed project would rezone the site to R-2500 to accommodate the 1,189 unit senior housing project.

The project site is surrounded by existing single family and multi-family residential developments. In addition to residential neighborhoods north of the project site, a baseball diamond and public park (University Gardens Park) are located across Governor Drive from the project site.

The site is not in or directly adjacent to the City of San Diego Multiple Species Conservation Program, Multiple Habitat Planning Area (MSCP, MHPA) except for an off-site sewer upgrade/improvement area which would be located in a portion of the MHPA in Marian Bear Park south of SR-52. As described in the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and the Initial Study Discussion (Section IV under Biological Resources), the existing sewer easement traverses non-native and native habitat, including a small amount of southern sycamore-alder riparian woodland habitat.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

#### IV. DISCUSSION:

The project files and reports referred to below are available for public review on the fifth floor of Planning and Development Review, Land Development Review Division, 1222 First Avenue, San Diego, CA, 92101.

The following environmental issues (hydrology/water quality, biological resources, noise, land use and paleontological resources) were considered during the review of the project and were determined to have potential CEQA significant impacts.

##### Hydrology/Water Quality

The proposed project would require grading of 11 acres and would require the implementation of a Regional Water Quality Control Board (RWQCB), Storm Water Pollution Prevention Plan (SWPPP) to mitigate potentially significant direct impacts to hydrology/water quality. The project is adjacent to canyons to the south and west and is creating over 11 acres of hardscape/building area with 1,156 parking spaces and may cause significant direct impacts to hydrology/water quality. Standard Best Management Practices (BMP) and storm drain systems engineered to the satisfaction of the City Engineer are required of all projects within the City of San Diego and mitigation measures to reduce hydrology/water quality impacts are required for the project to reduce impacts to below a level of significance (see Section V of the MND and Exhibit A (Figure 3). In addition to the MMRP, measures listed on the site plan include roof drainage into vegetated areas, public street sweeping by the City, stenciling of storm drains, BMP information packages included with lease agreements, a City waste management plan and the recognition of the existing golf course as a biological filter.

##### Biological Resources

The project site occupies a coastal terrace surrounded by an existing golf course to the east, SR-52 to the south, and a small canyon supporting native and non-native vegetation to the west. For the most part, the project site is developed as a senior apartment project with minimal native vegetation. The project proposes a CUP to allow for an increase in residential units on the project site through the construction of new senior housing units and the addition of second story units to existing buildings, the addition of an assisted care facility, and the construction of a new club house/recreation center. Development would occur mainly within areas which have already been disturbed by existing development and impacts to most biological resources would be avoided. Some impacts to biological

resources would occur with the proposed brush management plan and a sewer pipe improvement within the MHPA.

In order to determine potential impacts of the brush management plan and sewer line improvement, a *Biological Resources Report* was conducted by Tierra Environmental Services (February 18, 2000). The biological surveys included vegetation mapping of the habitats observed on-site and focused surveys of raptor use of existing non-native trees. Vegetation communities identified during field surveys of the project site include non-native vegetation, southern mixed chaparral, eucalyptus woodland, disturbed southern willow scrub, coast live oak woodland and southern sycamore-alder riparian woodland. The distribution of the vegetation communities on-site is shown in Figure 5, *Vegetation Communities Impacted by Brush Management*, and Figure 6, *Vegetation Communities Impacted by Pipeline Path*. A list of all plants observed on-site is included in Appendix A of the Biological Resources Report.

Non-native vegetation dominated by cultivated non-native grasses, iceplant, and various *Acacia* and pine (*Pinus* sp.) tree species occurs within the golf course area east of the site and between residences and SR-52, south of the site. Non-native vegetation also occurs on the canyon slopes west of the property. Dominant species in this area include pampas grass (*Cortaderia selloana*) and iceplant. A number of native species characteristic of southern mixed chaparral are present within the western canyon. These natives include chamise (*Adenostoma fasciculatum*), coastal goldenbush (*Isocoma menziesii*), California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), lemonadeberry (*Rhus integrifolia*), and scrub oak (*Quercus dumosa*). *Eucalyptus* woodland describes areas that are dominated by gum tree (*Eucalyptus* sp.) and also include non-native planted species such as *Acacia* and pine. *Eucalyptus* woodland was observed south of the site, between existing residences and SR-52. A small patch of coast live oak and toyon occurs on the southwest corner of the site. Coast live oak woodland is an evergreen woodland that may reach 10 to 25 meters in height and is dominated by coast live oak trees. The shrub layer is poorly developed but may include toyon (*Heteromeles arbutifolia*), laurel sumac (*Malosma laurina*) or blue elderberry (*Sambucus mexicana*). Disturbed southern willow scrub habitat (located only in brush management zone 2 in non-impacted areas) occurs at the bottom of the western canyon in association with an unnamed blue line stream. The willow habitat follows the canyon bottom and extends up the slope in several areas. Holland (1986) describes southern willow scrub as dense, broad-leafed, winter deciduous riparian thickets dominated by several species of willow (*Salix*) with scattered emergent Fremont's cottonwood (*Populus fremontii*) and California sycamore (*Platanus racemosa*). Species observed in the western canyon include arroyo willow (*Salix lasiolepis*), red willow (*Salix laevigata*), poison oak (*Toxicodendron diversilobum*), and toyon (*Heteromeles arbutifolia*). Southern sycamore-alder riparian woodland is described as a tall, open, broad-leafed, winter deciduous

woodland dominated by western sycamore. This woodland is only found in association with the project in the off-site sewer improvement area and includes western sycamore, arroyo willow, mulefat (*Baccharis salicifolia*), and coast live oak. Understory elements were sparse but included poison oak, Palmer's sagewort (*Artemisia palmeri*) and spikerush (*Eleocharis macrostachya*).

Few wildlife species were observed during the field surveys, presumably due to the developed nature of the project site and adjacent areas and the disturbed nature of the western canyon. Species that were observed are typically associated with developed areas or were observed overhead. Bird species observed included common bushtit (*Psaltriparus minimus*), song sparrow (*Melospiza melodia*), scrub jay (*Aphelocoma coerulescens*), red-tailed hawk (*Buteo jamaicensis*), house finch (*Carpodacus mexicanus*), mourning dove (*Zenaidura macroura*), and brown towhee (*Pipilo fuscus*). Mammal species that were observed on-site included the California ground squirrel (*Spermophilus beecheyi*) and Audubon's cottontail (*Sylvilagus audubonii*). Observations of nests, tracks, and scat provided additional evidence of dusky-footed woodrat (*Neotoma fuscipes*).

There are four sensitive habitats found on-site including southern mixed chaparral, southern willow scrub, coast live oak woodland, and sycamore/alder riparian woodland. There were no MSCP covered species, narrow endemics or state or federally listed species detected on-site during the field surveys. To avoid impacts to raptors from brush management of 6.6 acres of Eucalyptus woodland, additional raptor surveys would be done prior to grading, if grading occurs during the breeding season. If active raptor nests are present, appropriate avoidance measures would be implemented.

Impacts from the proposed project construction to sensitive vegetation communities would include 0.1 acre of oak woodland and 0.05 acre of southern mixed chaparral due to zone 1 brush management impacts. In addition, sewer improvements would result in a maximum impact of 0.06 acres of southern sycamore-alder riparian woodland located within the MHPA. These sewer impacts could be reduced to below 0.06 acres depending on the method of installation. Two methods (options A and B) are described below. The least impactful, satisfactory to City EAS and Park and Recreation Departments would be selected prior to the issuance of the grading permit.

#### Option A: "Jack and Bore"

The preferred method for the proposed replacement of a segment of the existing sewer line is the "Jack and Bore" option. The "jack and bore" process would include digging bore pits at the northern and southern manholes. One boring pit would be 10 feet by 18 feet. The other boring pit, which would contain the boring machinery, may be as large as 20 feet by 40

feet, depending on the depth of the pipe. Both pits would be approximately three feet deeper than the flow line depending on the depth of the water table. Approximately 800 cubic yards of dirt would be excavated to dig the pits and would be stored next to the pits or where the construction equipment is located. The sides of the boring and receiving pits would then be shored. Once this is done, the boring machinery would be installed in the boring pit. A sleeve for the new sewer line segment would then be jacked through from one pit to the other. A new segment of sewer line would then be installed within the sleeve. The new pipe would be slurried into place, and the boring and jacking machinery pulled out. At this point, the new sewer line would be completely tied in at both ends to the existing sewer line. A temporary sewer line would be attached to the affected segment in order to continue to provide sewer service along this line. Once the process is completed the pits would then be filled with dirt and the area restored to its original condition. The construction would take approximately two weeks.

Construction activities may impact a pedestrian trail located within Marian Bear Memorial Park. If impacts to the trail occur, pedestrian access would be accommodated on a temporary trail provided adjacent to the existing trail within a previously disturbed area. Once the sewer improvements are completed the original trail and the area of the temporary trail would be restored to their original conditions.

It is expected that this option would be the least impacting and would avoid impacts to wetland vegetation. Any disturbed vegetation would be replaced following construction in accordance with the City's established mitigation ratios to the satisfaction of City EAS and Park and Recreation Departments.

#### Option B: Trenching

This option includes digging a 15-foot wide trench directly over the 150-foot long segment of sewer line that needs improving and replacing the segment of pipe. Construction of the sewer improvements under this option would result in temporary impacts to approximately 0.2 acre of non-native vegetation outside of the MHPA and 0.06 acre of southern sycamore-alder riparian woodland within the MHPA. These estimates are based on a 15-foot wide path during construction. No staging areas or access roads outside the 15-foot wide disturbance area are anticipated. No construction equipment, materials or workers would be allowed outside the 15-foot trench.

Mitigation for impacts to the 0.06 acre of southern sycamore-alder riparian woodland would occur in accordance with replacement ratios recommended in the City of San Diego's Land Development Manual Biology Guidelines. Impacts to this wetland habitat require mitigation at a 3:1 ratio. The City's guidelines allow for 1:1 restoration for the temporary impacts associated with the construction of the sewer pipeline and 2:1 acquisition and/or enhancement

of existing wetlands. In order to mitigate impacts to 0.06 acre of southern sycamore alder riparian woodland, the applicant would restore 0.18 acre of wetlands within Marian Bear Memorial Park. Habitat restoration of approximately 0.12 acre would occur on-site within Marian Bear Memorial Park and in accordance with the Marian Bear Natural Resource Management Plan and with Park and Recreation approval. A Restoration Plan would be submitted and approved by EAS and the City's Park and Recreation Department. A five year monitoring would be required until success criteria outlined in MMRP are met.

### Noise

In order to determine potential noise impacts of the proposed project, a *Noise Impact Analysis* was conducted by Giroux & Associates (November 22, 1999). Existing noise levels in the project vicinity are dominated by vehicular noise and aircraft noise from MCAS Miramar. The site is at a higher elevation than SR-52, and thus, the traffic noise "envelope" is relatively narrow north of the freeway. Although traffic noise levels near SR-52 are loud, the noise affects mainly the southernmost tier of the project site. Vehicular noise from Governor Drive, adjacent to the northern project boundary, is relatively low because traffic volumes are low to moderate. The northernmost tier of the existing development blocks noise transmission farther into the site. The project site is located outside the adopted and projected 65 dB CNEL noise contour for MCAS Miramar operations. However, the site is affected by Miramar's Departure and Ground Control Approach (GCA) Box Pattern Flight Corridors.

The average energy equivalent noise level (Leq) on-site was from 50 to 55 dB. The 90th percentile level, often considered the true background unaffected by local events (Miramar jets, local street traffic, maintenance activities, etc.), was 45 to 47 dB. Although these were short-term readings, while the City standard is for a weighted 24-hour average (CNEL), monitoring experience has shown that mid-day Leqs and 24-hour CNELs differ by no more than 2 to 3 dB. The noise study reports that existing noise levels within the project site meet City of San Diego noise standards with a large margin of safety. Given the logarithmic relationship between decibels and the number of sources (cars, jets, etc.), it would require a 6 to 8 fold increase in surrounding activity levels for the 65 dB CNEL standard to be reached within the project site.

The City of San Diego exterior noise standard for residential uses is 65 dB CNEL. An interior CNEL of 45 dB is mandated for multiple family dwellings, and is considered a desirable interior noise exposure for single family dwelling units. When exterior loading exceeds 60 dB CNEL, a study is normally required by the City of San Diego to determine what additional noise attenuation measures, if any, are needed to insure an interior noise level of less than 45 dB CNEL. Such a study is mandatory for multiple occupancy dwellings (State Building Code, Chapter 2-35). The City of San Diego, as a matter of

policy, also requires documentation that the 45 dB CNEL interior standard would be met for all single-family developments.

Residential units on the project site would be exposed to noise levels generated by traffic on the surrounding streets and freeway and from aircraft operations at MCAS Miramar. Increases in on-site noise exposure would result at the northern tier of the proposed development due to traffic on Governor Drive and on the southern perimeter due to traffic noise from the SR-52. Freeway noise on the southern development perimeter would be substantially shielded by the intervening terrain. This would reduce the freeway noise exposure by 10 to 20 dB from its direct line-of-sight conditions. Noise levels along the northern and southern project perimeter (adjusted for terrain shielding on the south) are estimated at 65 to 70 dB CNEL.

Additional noise at the project site is generated by MCAS Miramar air traffic. The noise level attributable to air operations was assumed to be 61 to 63 dB CNEL at most residences within the University City Village. Because of the logarithmic nature of decibels, the addition of 61 to 63 dB CNEL to traffic noise at site perimeter units near 70 dB CNEL only increases the noise level by +1 dB. Along the northern or southern perimeters, noise would continue to be dominated by vehicular traffic. Within the site interior where perimeter buildings very effectively block noise propagation, the noise environment would be dominated by MCAS Miramar air traffic. Residents of the project site would routinely see and hear helicopter and fixed wing (jet and propeller) aircraft. Future residents may experience varying degrees of annoyance from noise and vibration from existing and projected future aircraft operations at MCAS Miramar.

While the project perimeter is considered moderately noisy, exterior noise attenuation is not necessary because of the provision of adequate recreational space in noise-protected locations. Recreational uses at the clubhouse and pools are protected from Governor Drive noise by distance separation and intervening buildings. Project-related noise issues therefore relate solely to meeting interior standards.

Noise impacts from the proposed project would include construction noise in varying locations over 4-5 years and long-term vehicle noise. While the potential for stationary on-site noise from residential activities may occur, residential uses are not intrinsically noisy and generally do not impact the ambient acoustic environment.

Construction activities have the potential to create noise impacts on existing and future residents. Construction noise would vary according to the type of equipment and its activity level. Construction noise impacts tend to occur in discrete phases dominated initially by site clearing and grading activities, then by foundation construction, and finally by finish construction. The earth-moving (grading) activities are the noisiest sources during



construction, with equipment noise ranging from 75 to 90 dB(A) at 50 feet from the source. Also, point sources of noise decrease by a factor of 6 dB per doubling of distance. The quieter construction noise sources, therefore, would drop below 60 dB at approximately 300 feet from the source, while the loudest sources could be detectable above the local background beyond 1,000 feet from the construction area.

The University City Village project would be phased to accommodate the temporary relocation of existing residents, as well as to partially reduce noise impacts to existing residents during the construction. It is anticipated that during construction, the existing tenants would be relocated into vacancies on-site and if desired, moved back into their original units when construction is complete. At all times the construction site would comply with the City's Noise Ordinance with respect to impacts to tenants. The initial two (2) phases of development would include the remodeling of existing units and the construction of new units along Governor Drive. Anticipated completion for the initial two phases is 18 to 24 months. Subsequent redevelopment would begin at the southernmost units near Kantor Court and continue north within the project area (24 to 48 months). During subsequent phases, residents would be relocated to newly constructed and renovated units located on-site as they come available.

In accordance with the City's Noise Ordinance, all construction and general maintenance activities, except in an emergency, would be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday and would be required to utilize the quietest equipment available. Additionally, to the maximum extent possible, scheduling of grading and construction activities would occur during late morning (after 9 AM) and mid-afternoon hours, unless it can be demonstrated that noise generated by construction and grading equipment would not exceed 65 dB(A) CNEL at the occupied residential units. All on-site construction equipment would have properly operating mufflers and all construction staging areas would be as far away as possible from any already completed residences, if later phases of development bring construction sources close to new project housing units. Construction equipment would also be staggered.

Upon completion, project-related vehicular traffic would cause an incremental increase in area-wide noise levels throughout the University City area. Any detectable increase in noise levels due to the intensification of the development within the project area would require a substantial growth of traffic volumes, which are not expected from the project.

The proposed project would increase traffic noise on Governor Drive by +0.1 dB west of Gullstrand, and by +0.3 dB east of Gullstrand. Increases of less than 1.0 dB are undetectable

even in an acoustic laboratory - much less in an ambient environment. Thus, increases in noise levels from project vehicular traffic would not be detectable and project impacts to off-site traffic noise exposures are expected to be less than significant.

Buildout and construction impacts to residents are considered significant but mitigable to below a level of significance with implementation of the Mitigation Measures listed in Section V of the MND.

### Land Use

The project site is located in the University Community Plan area. The University Community Plan divides the community up into subareas for planning purposes. The project site is located in the Southern University Subarea and is zoned R-1-5000. Although the community plan designates the site for single-family residential use, the site has been developed with the senior apartment complex since the early 1960's, prior to adoption of the current community plan. The project would redesignate the site to Multi-Family and rezone the site to R-2500 to reflect the existing and proposed development.

The University Community Plan outlines a series of general goals and objectives for development within the community planning area. The proposed project is a redevelopment of the existing University City Village Apartments. The proposed project would be developed with a scale, bulk and architecture complementary to the surrounding community.

### MSCP

The project site is not located in or adjacent to the City of San Diego's Multiple Species Conservation Program, Multiple Habitat Planning Area (MSCP, MHPA); however, the off-site sewer easement enters the MHPA on the south side of SR-52. The MHPA was designed to conserve biological resources considered sensitive by the resource agencies and by the City of San Diego. Utility lines, including sewer lines, are considered conditionally compatible with the biological objectives of the MSCP and thus would be allowed within the City's MHPA. The project would be in compliance with the Land Use Adjacency Guidelines and significant CEQA impacts associated with land use would be reduced to below a level of significance given mitigation listed in Section V of the MND.

### Paleontological Resources

According to the "Geology of the San Diego Metropolitan Area, California, La Jolla 7 1/2 Minute Quadrangle" Maps (Kennedy and Peterson, 1975) the project site is underlain by the

Scripps Formation. The Scripps Formation is considered to have a high potential to yield fossil remains of marine invertebrates and terrestrial vertebrates. The City's significance threshold for high resource potential formations is 1,000 cubic yards of excavation and a depth of 10 feet. The grading plan indicates project grading quantities to be 12,000 cubic yards to approximate depths of 10 feet. Based on the project grading and the potential for additional remedial geological grading, potentially significant impacts to paleontological resources are identified and monitoring would be required (see Section V of the attached Mitigated Negative Declaration) to reduce impacts to below a level of significance.

The following environmental issues (geology/soils, transportation/circulation, historical resources, neighborhood character/aesthetics) were considered during the review of the project and were determined to have no potential for CEQA significant impacts.

#### Geology/Soils

In order to determine the potential for geological impacts, a *Report of Geologic Reconnaissance* was conducted by Southern California Soil & Testing, Inc (April 10, 1998). The project site is located in the Coastal Plains Physiographic Province of San Diego County and is underlain by Tertiary-age and Quaternary-age sedimentary materials, associated residual soils, and artificial fill. The Tertiary-age sedimentary materials consist of yellowish-brown and grayish-brown, dense to very dense, sands and very stiff to hard sandy silts identified as part of the Scripps Formation. The Quaternary-age materials consist of terrace deposits comprised of brown to reddish-brown sands and gravel.

The Rose Canyon Fault Zone is approximately 2.5 miles to the west. Other active fault zones in the region could possibly affect the site includes the Coronado Bank, San Diego Trough, and San Clemente Fault Zones to the west; the Elsinore and San Jacinto Fault Zones to the northwest; and the Agua Blanca and San Miguel Fault Zones to the south.

The City of San Diego Seismic Safety Study places the northern and central portions of the site in the Hazard Category 51; the eastern, southern, and western portions are in Category 53. Hazard Category 51 is assigned to relatively level mesa areas; the potential risks in this zone are considered to be nominal. Hazard Category 53 is assigned to a variety of terrain conditions with unfavorable geologic structure with a low to moderate risk potential. The boundary between the two hazard categories marks the approximate boundary between the original relatively level terrace and the canyon areas. No significant geologic hazards were identified and therefore no CEQA mitigation is required.

### Transportation/Circulation

In order to assess traffic impacts associated with the project, a traffic study was prepared by Urban Systems Associates entitled *Transportation Analysis for University City Village Apartments* (February 3, 2000). According to the report, the existing University City Village Apartments generates approximately 2,168 average daily trips (ADT), while the redeveloped housing would generate 2,428 net new ADT. Peak hour increases in traffic generation are expected to be an additional 186 A.M. peak hour and 217 P.M. peak hour trips. According to the study, all affected street segments and intersections are expected to operate acceptably (LOS "D" or better). As the public streets and intersections within the project area have adequate capacity to accommodate project traffic at acceptable levels of service. No additional project impacts are expected at buildout, so that no street segment or intersection mitigation is needed or recommended.

Both the southbound and northbound Interstate 805 (I-805) on-ramps from Governor Drive have ramp meters, but the P.M. northbound and A.M. southbound peak periods are not currently metered. The southbound ramp meter is not currently operating in the A.M. peak hour. During the P.M. peak hour, a flow rate of 685 vehicles per hour was observed. During the P.M. peak hour, a total queue length of approximately 1,200 feet was observed, extending to the Greenwich Drive intersection, and north to the westbound left turn pocket to the southbound on-ramp. Assuming a fifteen minute ramp meter delay and assuming current ramp meter rates as provided by Caltrans, with project traffic added, queue lengths are estimated at 125 feet to 750 feet longer. However, since Governor Drive at I-805 ends at the freeway, with no extension to the east planned, queue lengths can be accommodated within the eastbound lane without being a detriment to through traffic (since all eastbound traffic is destined to the I-805 freeway, there is no through traffic). With buildout freeway ramp meter operations and assuming a fifteen-minute delay and current ramp meter rates as provided by Caltrans, with project traffic added queue lengths are estimated at 125 feet to 750 feet longer.

The City Traffic Impact Study Manual requires freeway interchange analysis based on Regional Congestion Management Program (CMP) guidelines. These guidelines require freeway main lane analysis when project trips are 150 or more peak hour trips to the main lanes or 50 or more peak hour trips to intersections. Since project peak hour trips are only 30 trips at a maximum to the ramp meters and freeway main lanes and are below the threshold required for analysis, the conclusion can be reached that project impacts to the I-805/Governor Drive ramp meters and freeway main lanes are expected to be less than significant. A review of the City of San Diego's "University Community Focused Transportation Study" with project traffic added to buildout conditions, indicates no significant project impacts are expected, therefore no CEQA mitigation is proposed.

Historical Resources

**Historic** - The existing senior housing development was constructed from 1964 -1965. Structures 45 years or older are considered potentially significant. As these structures are 35-45 years old, there is no potential for the project to result in significant impacts to historic structures and no mitigation is required for such resources.

**Prehistoric** - Most of the grading which will occur on site would be associated with the demolition of existing structures which were built in the 1960's. Mass grading occurred during the initial development of the site and therefore no significant cultural resources are expected to remain on site. As no potential impacts have been identified, no mitigation is required for historical resources.

Neighborhood Character/Aesthetics

The site is not within a designated public view corridor and much of the development would be replacing existing structures or would be located adjacent to similar existing structures. No significant CEQA impacts have been identified to Neighborhood Character/Aesthetics and no mitigation is required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

The proposed project would not have a significant effect on the environment, and a **NEGATIVE DECLARATION** should be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A **MITIGATED NEGATIVE DECLARATION** should be prepared.

The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** should be required.

PROJECT ANALYST: Holly Smit

Attachments:

Figure 1- Regional Map

Figure 2- Vicinity Map

Figure 3- Proposed Site Plan

Figure 4- Aerial Photograph

Figure 5- Vegetation Communities Impacted by Brush Management

Figure 6 - Vegetation Communities Impacted by Pipeline Path

Initial Study Checklist

1948  
The following information is for your information  
and is not to be used for any other purpose  
without the express written consent of the  
Department of the Interior.

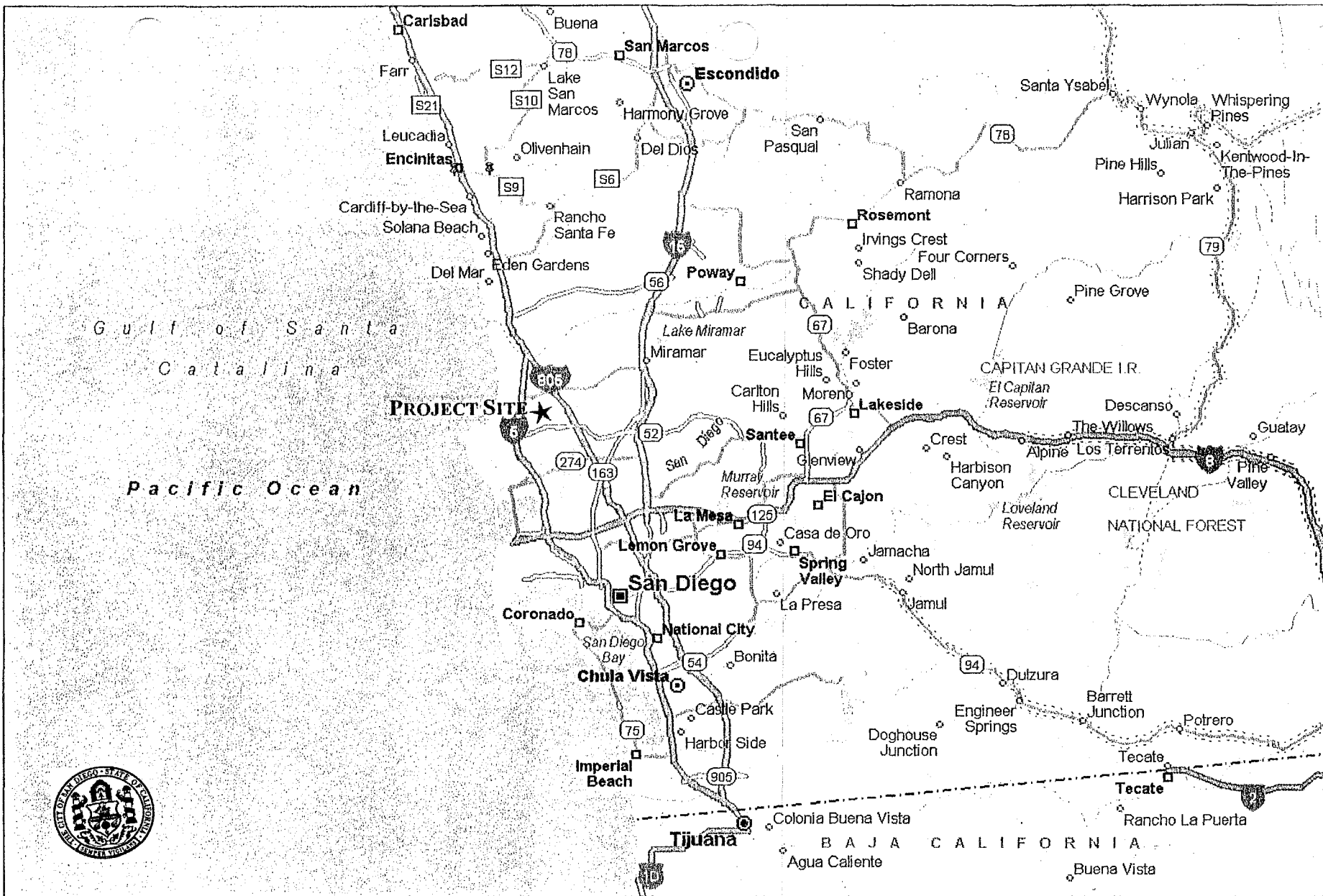


FIGURE 1 – REGIONAL MAP  
University City Village Apartments

LDR No. 98-0408



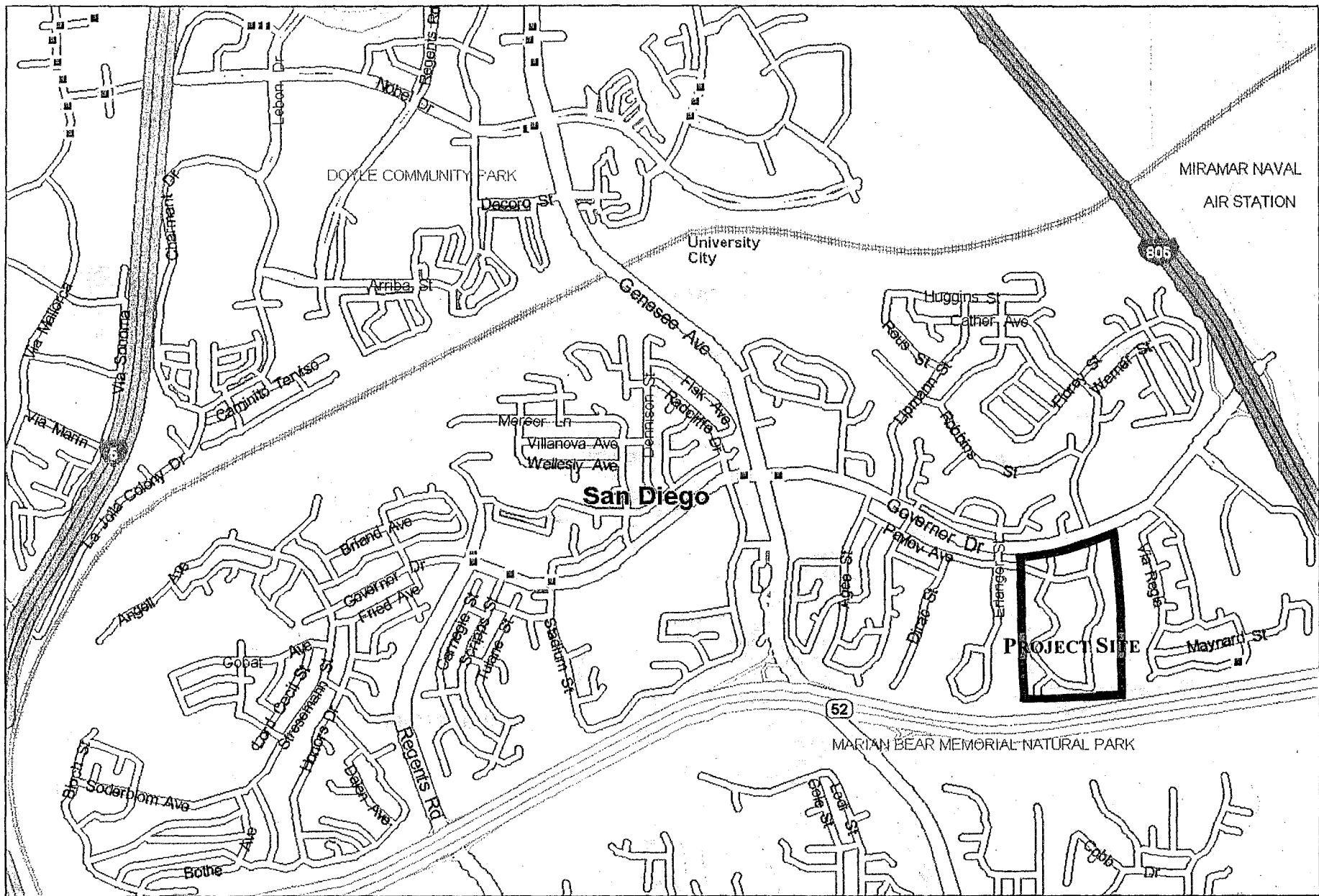


FIGURE 2 – VICINITY MAP  
 University City Village Apartments LDR No. 98-0408



No Scale





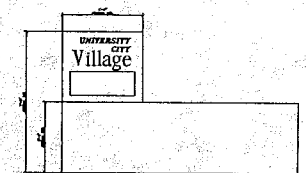
**PLAN TABULATIONS**

ASSISTED LIVING (UNITS)	80
EXISTING UNITS (REMAINING)	50
NEW UNITS PROPOSED	650
<b>TOTAL</b>	<b>780</b>

TOTAL PARKING SPACES 105

**SITE AGREEMENT BREAK DOWN**

TOTAL SITE AREA	78 AC.
TOTAL STREETS (APPROX.)	15 AC.
DEDICATED OPEN SPACE	10 AC.
NET RESIDENTIAL	51 AC.
GROSS EXISTING BUILDING COVERAGE	8.7 AC. (17% OF NET RES./ 11.6% TOTAL SITE)
GROSS PROPOSED BUILDING COVERAGE	2 AC. (2% OF NET RES./ 2.6% OF TOTAL SITE)



TYPICAL EXISTING SIGN

**LEGAL DESCRIPTION:**

LOTS 1 THROUGH 4 INCLUSIVE OF UNIVERSITY CITY UNIT 9, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF No. S100, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1982, EXCEPTING THEREFROM THE SOUTHERLY 1/2 OF LOT 3.

THE BOUNDARY OF THIS PARCEL, AND THE EASEMENTS SHOWN ON THIS SURVEY ARE BASED UPON THE INFORMATION AND DATA CONTAINED IN THE TITLE REPORT PREPARED BY WESTLAND TITLE COMPANY No. 400605-04, DATED JUNE 27, 1988.

**NOTE:**

1. THE 2nd STORY OF ALL BLDGS. LABELED AS SUCH WILL BE NEW CONSTRUCTION.
2. ALL HATCHED BLDGS. ARE NEW CONSTRUCTION.
3. ONE PARKING SPACE PER UNIT.

**FIGURE 3 – PROPOSED SITE PLAN**  
University City Village Apartments LDR No. 98-0408



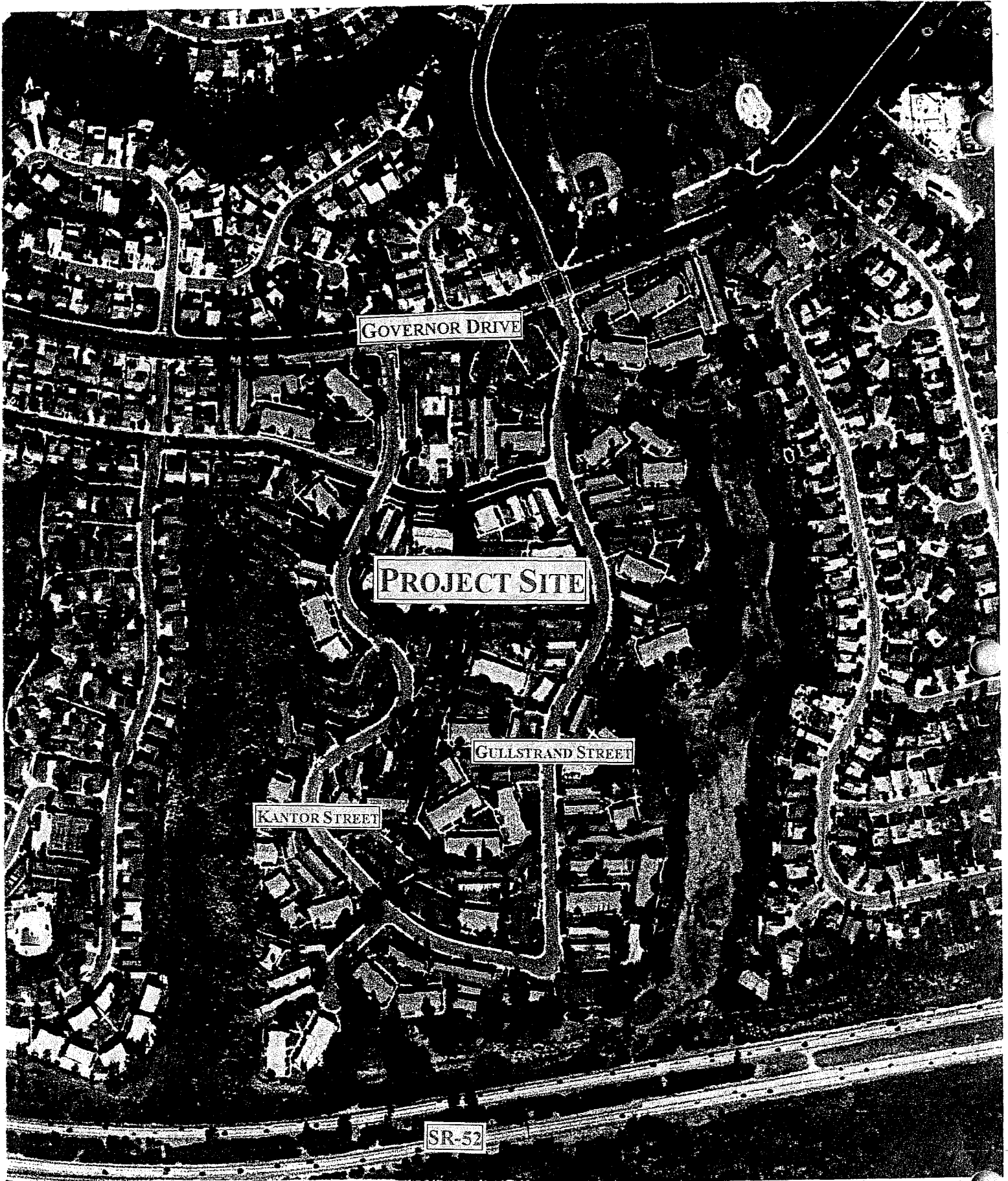
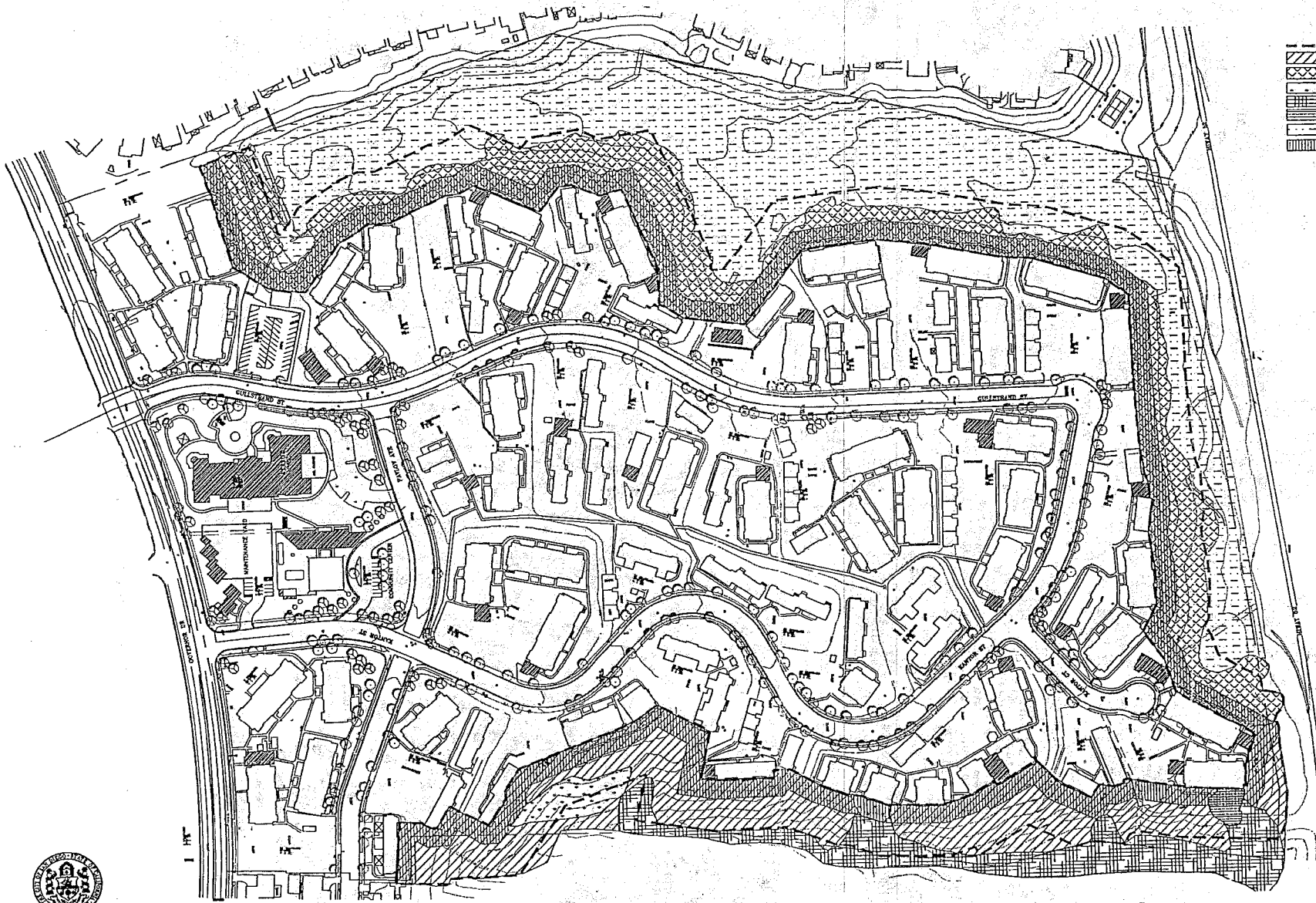


FIGURE 4 - AERIAL PHOTOGRAPH  
University City Village Apartments LDR No. 98-0408





**LEGEND**

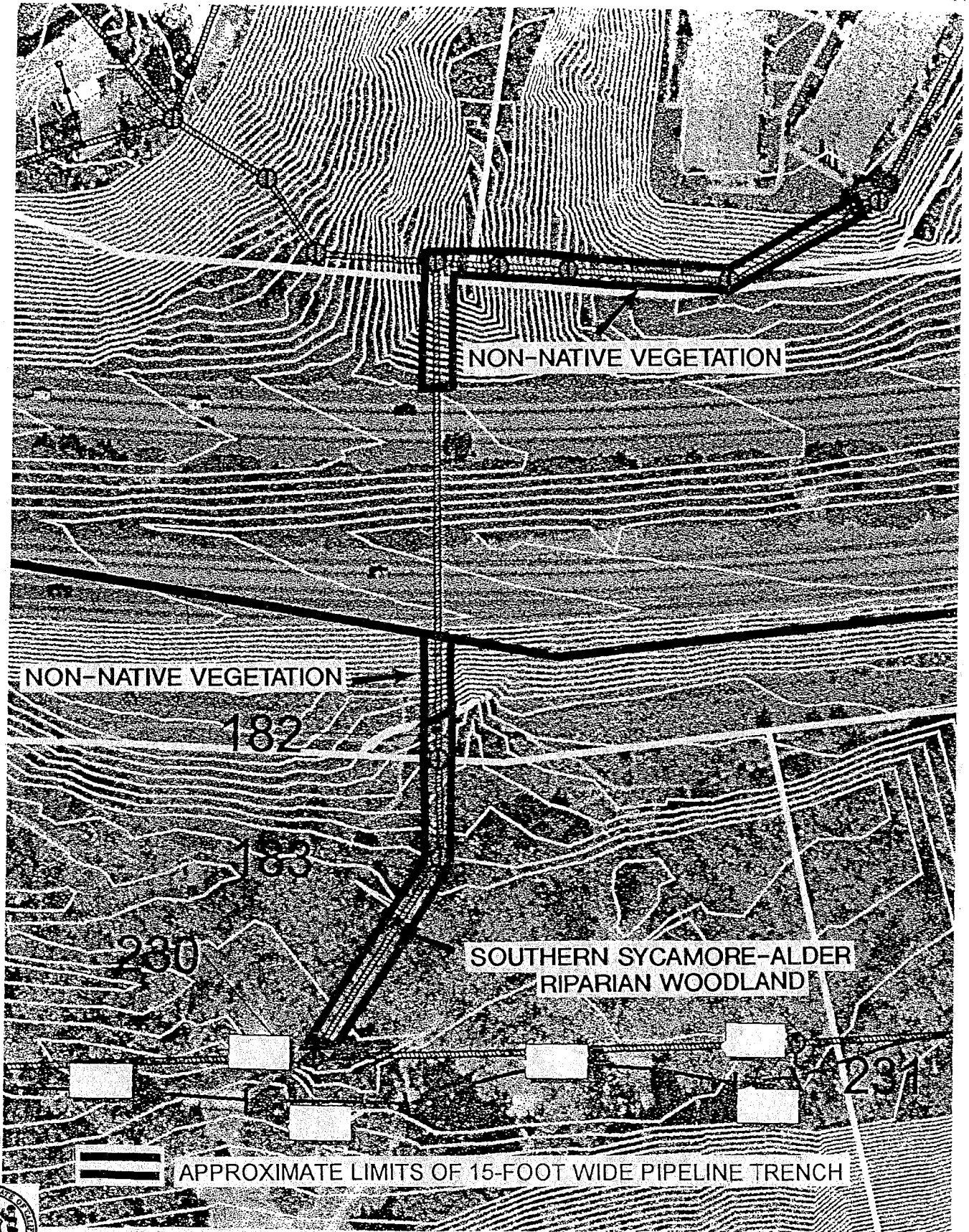
- Boundary of Brush Management Areas
- 11000 Non-Native Vegetation
- 11100 Eucalyptus Woodland
- 37120 Southern Mixed Chaparral
- 63320 Southern Willow Scrub
- 71160 Coast Live Oak Woodland
- Golf Course
- Brush Management Zone 1

0 200  
FEET

North



FIGURE 5— VEGETATION COMMUNITIES IMPACTED BY BRUSH MANAGEMENT  
University City Village Apartments LDR No. 98-0408



**FIGURE 6 – VEGETATION COMMUNITIES IMPACTED BY PIPELINE PATH**  
 University City Village Apartments LDR No. 98-0408

III. ENVIRONMENTAL ANALYSIS:

This Initial Study checklist is designed to identify the potential for significant environmental impacts which could be associated with a project. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV.

Yes    Maybe    No

A. Geology/Soils. Will the proposal result in:

1. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? \_\_\_\_\_ X

The subject property is not located in an area susceptible to potential hazards such as tsunamis, seiches, deep-seated landsliding, or surface rupture due to faulting. The project site is currently developed. The proposed project would increase the number of residential units on site. According to *Geotechnical Investigation Requirements, University City Villages, Governor Drive and Kantor Street* (November 22, 1999) and the *Geotechnical Reconnaissance Report for University City Village, Governor Drive and Kantor Street* (August 18, 1999), the project site is suitable for development for the existing development and the proposed expansion. Construction would be in accordance with minimum standards of the Uniform Building Code, which requires sufficient calculated factors of safety to resist seismically induced failure and minimize potential damage from seismic activity.

Yes      Maybe      No

2. Any increase in wind or water erosion of soils, either on or off the site?      \_\_\_\_\_      \_\_\_\_\_        X

The project site is not categorized as a soil that would limit development due to its erosion susceptibility, runoff potential or shrink/swell behavior. Grading of approximately 11 acres would be needed for the project. Implementation of standard construction practices at the time of final grading and excavation will minimize the potential for erosion. Although grading associated with site development will expose some on-site soils, no significant erosion is anticipated due to the implementation of erosion control measures required as a part of the project's grading plan. Additionally, prompt revegetation of graded areas and implementation of landscaping plans required in conjunction with site development would minimize erosion potential.

B. Air. Will the proposal result in:

1. Air emissions which would substantially deteriorate ambient air quality?      \_\_\_\_\_      \_\_\_\_\_        X

Development of the proposed project would result in generation of dust and particulates. The additional vehicle trips associated with the project would generate mobile air pollutants. However, the increase in vehicular trips is not expected to create a high amount of air pollutants. Construction and demolition impacts would be short-term, and appropriate dust control measures would be implemented during excavation activities for construction. As such, the project will not result in a substantial contribution to direct or cumulative air quality impacts.

2.    The exposure of sensitive receptors to substantial pollutant concentrations?                      \_\_\_\_\_                      \_\_\_\_\_                        X

The project proposes the development of 599 additional residential units and 80 assisted care units located within the existing University City Village Apartments, just south of Governor Dive. Residential uses are considered sensitive receptors for air pollutants. The residential project would not result in significant air quality impacts or the creation of CO "hotspots". Substantial pollutant concentrations would not occur proximate to the proposed residential development or the surrounding community.

3.    The creation of objectionable odors?                      \_\_\_\_\_                      \_\_\_\_\_                        X

The proposed uses would not involve activities that create objectionable odors. The mobile nature of construction equipment is such that no single receptor is exposed to equipment emissions for any extended period. Localized impact from vehicular exhaust may be a possible result of diesel exhaust odor, but will not be of a concentration that would create significant odor or a measurable threat to clean air standards. Therefore, these impacts are considered less than significant.

4.    The creation of dust?                      \_\_\_\_\_                      \_\_\_\_\_                        X

Fugitive dust may be generated during grading, excavation and construction activities, but are not expected to be significant. Standard City requirements and requirements of the Air Pollution Control District (APCD) would be applied to the



construction activities to reduce fugitive dust emission rates to less than significant levels. The project would also implement necessary dust control measures, such as the stoppage of activities during high wind periods and watering graded surfaces, to help reduce dust emissions during construction.

5. Any alteration of air movement in the area of the project? X

The proposed development for the residential project would consist of low rise structures. The buildings would not be higher than surrounding development. No component of the proposed development would result in the alteration or significant movement of air and/or the creation of moisture which could, in turn, cause a change in micro climate conditions. No significant impacts are anticipated.

6. A substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? X

As indicated above, no component of the proposed development will result in the substantial alteration of moisture or temperature which could, in turn, cause a change in the local micro-climate. No significant impacts are anticipated.

C. Hydrology/Water Quality. Will the proposal result in:

1. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?

\_\_\_\_\_    \_\_\_\_\_      X  

The project would include development of and 80 assisted care units additional residential units to an existing residential development. Runoff from the proposed development would discharge into existing storm drains located within the surrounding community. The amount of runoff created by the additional residential units would not result in changes in currents or direction of water movements.

2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water?

\_\_\_\_\_      X      \_\_\_\_\_

Implementation of the proposed project will result in the limited introduction of impervious surfaces (e.g., driveways, parking areas, building coverage, etc.) in areas which are currently unpaved. The proposed development would result in a decrease in the area available for stormwater percolation and an increase in stormflow runoff. Total project flows within the project area (with the incremental increase generated from the proposed project) would be accommodated by existing drainage facilities.

Yes   Maybe   No

3. Alterations to the course or flow of flood waters?

\_\_\_\_\_   \_\_\_\_\_   X\_\_\_\_\_

No component of the proposed project is expected to alter the course or flow of flood waters. The project site is not located in a floodplain or the 100-year floodway.

4. Discharge into surface or ground waters, or in any alteration of surface or ground water quality, including, but not limited to temperature, dissolved oxygen or turbidity?

\_\_\_\_\_   X\_\_\_\_\_

Runoff would be directed and controlled within a storm water control system in the project area. The project would require preparation of a Storm Water Pollution Prevention Plan (SWPPP) and would implement best management practices for storm water pollution prevention, as required by the City's NPDES permit. The project would not result in discharge that would alter surface or ground water quality.

5. Discharge into surface or ground waters, significant amounts of pesticides, herbicides, fertilizers, gas, oil, or other noxious chemicals?

\_\_\_\_\_   X\_\_\_\_\_

The project would result in an increase in urban pollutants and the potential accumulation of oil and petroleum products from cars parked on the project sites. The contribution of urban pollutants is not expected to be substantial. As indicated in the Initial Study discussion and item C4, above, the project would be required to implement best management practices acceptable to the City Engineer which are directed at controlling urban runoff pollutants.

6. Change in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?

\_\_\_\_\_   \_\_\_\_\_     X  

The project site is located approximately 3.5 miles from the ocean and would not change the deposition or erosion of the beach sands. Runoff from the proposed project would be collected in existing storm drains and would not be directly deposited into the ocean.

7. Exposure of people or property to water related hazards such as flooding?

\_\_\_\_\_   \_\_\_\_\_     X  

The project would not result in the exposure of property or people to water related hazards. The project site is located outside any flood plains or the 100-year flood way.

8. Change in the amount of surface water in any water body?

\_\_\_\_\_   \_\_\_\_\_     X  

Runoff from the proposed project site would be collected by an existing drainage system and would not change the amount of surface water in any water bodies.

D. Biology. Will the proposal result in:

1. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?

\_\_\_\_\_     X     \_\_\_\_\_

The project site does not contain unique, rare or endangered plant or animal species. However, the project includes upgrading of an existing sewer line which is partially located within Marian Bear Memorial Park

and the City's Multiple Habitat Planning Area (MHPA) as identified in the City's Multiple Species Conservation Program (MSCP). One of two options, which include either the Jack and Bore or trenching process, would be used to upgrade the segment of the sewer line. It is expected that the Jack and Bore option would be the least impacting of the two options and would avoid impacts to wetland vegetation. Any disturbed vegetation during the Jack and Bore process would be replaced following construction in accordance with the City's established mitigation ratios. The trenching method would require a 15-foot wide path and would impact approximately 0.06 acres southern sycamore-alder riparian woodland, which is identified as a sensitive habitat by the City and resource agencies. Mitigation measures, including revegetation of riparian habitat within Marian Bear Park, have been incorporated into the project to lessen the impacts to below a level of significance. Additionally, approximately 0.1 acre of oak woodland and 0.05 acre of southern mixed chaparral would be impacted with the establishment of the Brush Management Zone 1. Mitigation including contribution to the City's Habitat Acquisition Fund would be incorporated as part of the project to reduce impacts to sensitive habitat located in the proposed Zone 1 to below a level of significance. See discussion in Initial Study.

2. A substantial change in the diversity of any species of animals or plants?

  X

Yes   Maybe   No

As discussed in section D1 above the project would result in impacts to approximately 0.06 acres of southern sycamore-alder riparian woodland habitat if the trenching option is used for the sewer segment upgrade. Mitigation measures, including revegetation of riparian habitat within Marian Bear Park, have been incorporated into the project to lessen the impacts to below a level of significance. Any impacts to sensitive habitat associated with the Jack and Bore method would be replaced following construction in accordance with the City's established mitigation ratios. Additionally, approximately 0.1 acre of oak woodland and 0.05 acre of southern mixed chaparral would be impacted with the establishment of the Brush Management Zone 1. Mitigation which includes contribution to the City's Habitat Acquisition Fund would be incorporated as part of the project to reduce impacts associated with the establishment of Zone 1 to below a level of significance. See discussion in Initial Study.

3. Introduction of invasive species of plants into the area?

\_\_\_\_\_   \_\_\_\_\_     X  

The project site is located in a developed urban area of San Diego. Areas of natural habitat occur west of the site, in a disturbed open space canyon, and further south in Marian Bear Park. The project location is separated from Marian Bear Park by Highway 52. For areas of the project that would be located adjacent to natural open space, landscaping plans for the project site

will call for selected species which are non-invasive. No significant impacts are anticipated.

- 4. Interference with the movement of any resident or migratory fish or wildlife species?

X

The site is not considered a wildlife corridor. A portion of the sewer upgrade is located within Marian Bear Park and the City's MHPA and MSCP. One of two options, which include either the Jack and Bore or trenching process, would be used to upgrade the segment of the sewer line. It is expected that the Jack and Bore option would be the least impacting of the two options and would avoid impacts to wetland vegetation. Any disturbed vegetation during the Jack and Bore process would be replaced following construction in accordance with the City's established mitigation ratios. The trenching method would require a 15-foot wide path and would impact approximately 0.06 acres southern sycamore-alder riparian woodland, which is identified as a sensitive habitat by the City and resource agencies. Mitigation measures, including revegetation of riparian habitat within Marian Bear Park, have been incorporated into the project to lessen the impacts to below a level of significance. The proposed sewer line improvements would not result in interference with wildlife movement.

- 5. An impact on a sensitive habitat, including, but not limited to stream-side vegetation, oak woodland, vernal pools, coastal salt marsh, lagoon, wetland, or coastal sage scrub or chaparral?

X

According to the *Biological Resource Report for the Proposed University Village Residential Development Project*, the proposed project would impact 0.06 acres of southern sycamore-alder riparian woodland habitat (if the trenching option is used to upgrade the sewer segment), 6.60 acres of *Eucalyptus* woodland, 2.30 acres of golf course vegetation, and 4.70 acres of non-native grassland, 0.10 acre of oak woodland, and 0.05 acre of southern mixed chaparral. Mitigation measures have been incorporated into the project to reduce impacts to sensitive habitat to a level below significance. See discussion in Initial Study.

6. Deterioration of existing fish or wildlife habitat?

\_\_\_\_\_ X \_\_\_\_\_

The project site does not contain existing fish or wildlife habitat. However, the project includes upgrading of an existing sewer line which is partially located within Marian Bear Memorial Park and the City's Multiple Habitat Planning Area (MHPA) as identified in the City's Multiple Species Conservation Program (MSCP). One of two options, which include either the Jack and Bore or trenching process, would be used to upgrade the segment of the sewer line. It is expected that the Jack and Bore option would be the least impacting of the two options and would avoid impacts to wetland vegetation. Any disturbed vegetation during the Jack and Bore process would be replaced following construction in accordance with the City's established mitigation ratios. The trenching method of upgrade construction would require a 15-foot



wide path and would impact approximately 0.06 acres southern sycamore-alder riparian woodland, which is identified as a sensitive habitat by the City and resource agencies. Mitigation measures, including revegetation of riparian habitat within Marian Bear Park, have been incorporated into the project to lessen the impacts to below a level of significance. Additionally, approximately 0.1 acre of oak woodland and 0.05 acre of southern mixed chaparral would be impacted with the establishment of the Brush Management Zone 1. Mitigation, which includes contribution to the City's Habitat Acquisition Fund, would be incorporated as part of the project to reduce impacts to sensitive habitat in the proposed Zone 1. See discussion in Initial Study.

E. Noise. Will the proposal result in:

1. A significant increase in the existing ambient noise levels?

Existing noise levels in the project vicinity derive from SR-52, MCAS Miramar, and arterial roadway traffic. According to the *Noise Impact Analysis, University City Village Apartment*, traffic noise near SR-52 affects mainly the south most tier of the project. Additionally, arterial noise from Governor Drive is relatively low due to low to moderate traffic volumes. The north most tier of development blocks noise transmission from Governor Drive farther into the site. The site is located outside the MCAS Miramar 65 dB CNEL noise contour. However, aircraft would fly over the project site and may create noise

impacts to residents. Additional vehicular traffic would result from the project. The project-related traffic would cause an incremental increase in area wide noise levels throughout the University City area. Construction noise would be short-term. Mitigation measures would be incorporated into the project to reduce noise impacts to below a level of significance. See Initial Study discussion.

2. Exposure of people to noise levels which exceed the City's adopted noise ordinance?

\_\_\_\_\_ X \_\_\_\_\_

The City's Progress Guide and General Plan establishes the land use noise level compatibility standard for multi-family residential uses an exterior noise exposure level of 65 dB CNEL and an interior noise level of 45 dB CNEL is required. Noise levels on-site would be affected by the adjacent SR-52 and Governor Drive. According to the *Noise Impact Analysis, University City Village Apartment*, average daytime noise levels in the area are projected to be approximately dB 50-55 dB CNEL. The existing noise levels within the project site interior meet the City of San Diego's noise standards. The proposed project would be compatible with the existing and future noise environment. Residential land uses proposed by the project would not result in significant onsite noise. Aircraft flying above the proposed project from the MCAS Miramar air station may create noise impacts; however, noise impacts from MCAS Miramar would not reach significant levels due to the project's location a distance from the air base and

outside the 65 dB CNEL noise contour. Mitigation measures would be incorporated into the project to reduce impacts to below a level of significance. See Initial Study discussion

- 3. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan? \_\_\_\_\_ X \_\_\_\_\_

As indicated above (item E.2.), ambient noise levels in the project area are dominated by traffic noise from SR 52 and Governor Drive and aircraft flying above the project site. Mitigation measures would be incorporated into the project to reduce impacts to below a level of significance. See Initial Study discussion

F. Light, Glare and Shading. Will the proposal result in:

- 1. Substantial light or glare? \_\_\_\_\_ X \_\_\_\_\_

The proposed development would not introduce substantial new sources of light and/or glare. Although security lighting and lighting from the parking areas would be provided, current City policies require that any lighting be

adequately shielded so as not to create "spillage" on adjacent properties. On-site lighting would be designed and sited consistent with requisite City policy to avoid any potential lighting impacts to the adjacent development or open space. No significant impacts are anticipated.

- 2. Substantial shading of other properties? \_\_\_\_\_ X \_\_\_\_\_

The proposed buildings would be low rise structures which would not generate significant shading beyond project boundaries. Adjacent uses would not be adversely affected by shade and shadows created by the project.

G. Land Use. Will the proposal result in:

1. A land use which is inconsistent with the adopted community plan land use designation for the site?

\_\_\_\_\_    \_\_\_\_\_    X

The project includes construction of additional 599 elderly housing units, 80 assisted care units, associated parking, demolition of an existing clubhouse and construction of a new clubhouse within the existing University City Village Apartments.

The project site is currently developed with multiple family units and is operating under a Conditional Use Permit. Although the project site is currently developed with multiple family units, the University Community Plan identifies the project site for single family housing. Both the existing and proposed projects are multi-family housing developments. The community plan would be amended to designate the project site as Multi-Family, reflecting the existing and proposed development. See Initial Study discussion.

2. A conflict with the goals, objectives and recommendations of the community plan in which it is located?

\_\_\_\_\_    \_\_\_\_\_    X

The proposed project includes construction of an additional 599 elderly units, 80 assisted care units, associated parking, and demolition of an existing clubhouse and construction of a new

clubhouse within the existing University City Village Apartments. The project site is located within the University Community Plan and complies with housing goals presented in the community plan.

3. A conflict with adopted environmental plans for the area? X

The project includes upgrading a sewer line that is partially located within the City's MHPA. The construction of the sewer line upgrade would include a 15-foot wide path and would result in impacts to 0.06 southern sycamore-alder riparian woodland habitat and 0.2 acres of non-native vegetation. Mitigation, including revegetation of riparian habitat at a 3:1 ratio, would reduce impacts to a level below significant. The project would comply with environmental goals set forth in the *University Community Plan*.

4. Land uses which are not compatible with aircraft accident potential as defined by a SANDAG Airport Land Use Plan (ALUC)? X

The project site is not located within the Area of Influence of any airport or military air base. MCAS Miramar is located a distance from the project site. Crash Hazard Zones established for MCAS Miramar as part of the Comprehensive Land Use Plan do not occur on the project site or in the project vicinity. The project site would not be in significant danger of aircraft accidents.

H. Natural Resources. Will the proposal result in:

1. The prevention of future extraction of

Yes      Maybe      No

sand and gravel resources?

\_\_\_\_\_      \_\_\_\_\_        X  

The proposed site is currently designated for residential land use and is currently developed as a senior housing project. The project proposes to develop an additional 599 units, 80 assisted care units, associated parking, demolition of an existing clubhouse and construction of a new clubhouse. The project site is not a Known location of mineral resources. Impacts associated with the future extraction of sand and gravel resources would not occur.

2. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?

\_\_\_\_\_      \_\_\_\_\_        X  

The project site is developed as a senior housing project and is not currently used for agricultural purposes (i.e., cultivation of commercial crops). The project site is located in an developed urban community and is not conducive to or planned for agriculture use. Thus, no impact on agricultural lands will occur with the proposed development.

- I. Recreational Resources: Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

\_\_\_\_\_      \_\_\_\_\_        X  

Recreational opportunities near the project area include the University Village Park located east of the proposed project, the University Gardens Park located southeast of the project, and Marian Bear Memorial Park located south of the project across SR 52. Residents of the additional units would utilize the community parks. Additionally the project includes a new

Yes      Maybe      No

8,000 square foot to 10,000 square foot clubhouse which would contain a pool, Jacuzzi and garden. Additionally, the clubhouse may also include a main entry area, a Great Room for lunches, bingo and other activities, a stage, lounge or "living room", a kitchen/pantry, men's and women's toilets/showers, an exercise room, rental offices, library/computer room, craft room, entertainment/multi-purpose room and a game room.

- J. Population. Will the proposal alter the planned location, distribution, density, or growth rate of the population of an area?

X

The project consists of development of 599 additional elderly housing units, including construction of second stories on existing units, additional parking, demolition of an existing and construction of a new clubhouse, establishing a 110-foot brush management zone, and upgrade improvements to an existing sewer line. The additional residential units would provide housing to serve the senior population of the University community and the region. The increase in residents is not expected to alter the growth rate of the population in the area and is not considered adverse and significant.

- K. Housing. Will the proposal affect existing housing in the community, or create a demand for additional housing?

X

The project includes construction of 599 additional elderly residential units and 80 assisted care units within the existing University City Village Apartments. After completion of the project, University City Village Apartments would consist of 1,009 elderly housing units and 80 assisted living units. The increase in residential

use would aid in reducing reduce the demand for elderly housing.

L. Transportation/Circulation. Will the proposal result in:

1. Traffic generation in excess of specific community plan allocation?      \_\_\_\_\_      \_\_\_\_\_        X

A review of the City of San Diego's "University Community Focused Transportation Study" with project traffic added to buildout conditions indicates no significant project impacts are expected. No additional project impacts were identified. See Initial Study discussion

2. An increase in projected traffic which is substantial in relation to the capacity of the street system?      \_\_\_\_\_      \_\_\_\_\_        X

The public streets and intersections within the project area have adequate capacity to accommodate project traffic at acceptable levels of service. No additional project impacts are expected at buildout, so that no street segment or intersection mitigation is needed or recommended. See Initial Study discussion.

3. An increased demand for off-site parking?      \_\_\_\_\_      \_\_\_\_\_        X

The project includes developing 599 additional elderly residential units and 80 assisted care units to an existing 5420 elderly and assisted-living units, for a total of 1,189 units. Additionally, the project would provide 1,128 parking spaces. The proposed parking would meet the City's parking requirements. No significant



Yes      Maybe      No

impacts on off-site parking are anticipated.

4. Effects on existing parking? \_\_\_\_\_ X

As indicated above, the project will provide on-site parking in accordance with City standards, and no off-site parking demand is anticipated from the project.

5. Substantial impact upon existing or planned transportation systems? \_\_\_\_\_ X

The proposed project is not expected to have a significant impact upon existing or planned transportation systems. Existing roadways are adequate to serve the project. Construction of the proposed project would not affect or encroach on adjacent roadways. No significant impacts to SR-52 or planned transportation systems are anticipated. See Initial Study discussion.

6. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? \_\_\_\_\_ X

No alternations to circulation movements, existing public access to parks or other open space areas are anticipated with the proposed development.

7. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? \_\_\_\_\_ X

The proposed project would not result in a substantial increase in traffic hazards to motor vehicles, bicyclists or pedestrians. Implementation of the proposed project will include pedestrian walkways.

Existing sidewalks are currently provided along the developments streets. No significant impacts are anticipated.

M. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

1. Fire protection?      \_\_\_\_\_      \_\_\_\_\_        X  

The proposed sites would be within the service area of the City of San Diego Fire Department. The nearest fire station to the project site is Fire Station 35 at 4285 East Gate Mall. Fire Station 35 adequately serves the existing University City Apartments. It is expected that Fire Station 35 would also adequately serve the additional 599 units. No impacts to fire protection services is expected.

2. Police protection?      \_\_\_\_\_      \_\_\_\_\_        X  

The Police Facilities Plan establishes a seven-minute average response time as a department goal. The San Diego Police Department's Northern Division provides police protection for the project vicinity and is located at 4275 Eastgate Mall. Average response time to the project vicinity is two to four minutes for Priority Emergency calls and Priority One calls. No impacts to police protection services is expected.

3. Schools?      \_\_\_\_\_      \_\_\_\_\_        X  

The proposed project involves the construction of 599 elderly housing units. No school age kids would reside within the proposed housing development. Therefore, no impacts to school facilities would occur.

4. Parks or other recreational facilities?

X

Recreational opportunities near the project area include the University Village Park located east of the proposed project, the University Gardens Park located southeast of the project, and Marian Bear Memorial Park located south of the project across SR 52. Residents of the additional units would utilize the community parks. Additionally the project includes a new 8,000 square foot to 10,000 square foot clubhouse which would contain a pool, Jacuzzi and garden. Additionally the clubhouse may also include a main entry area, a Great Room for lunches, bingo and other activities, a stage, lounge or "living room", a kitchen/pantry, men's and women's toilets/showers, an exercise room, rental offices, library/computer room, craft room, entertainment/multi-purpose room and a game room. The potential use of these facilities by residents of the project are not expected to create significant adverse impacts.

5. Maintenance of public facilities, including roads?

X

Public streets have been constructed to serve the project site. Internal to the project, circulation and parking areas would be privately maintained. No significant roadway maintenance impacts are anticipated.

6. Other governmental services?

X

The potential increase in senior residents on the site which would

No

result from the proposed development would not significantly impact library facilities. The proposed project would not create a significant demand upon other governmental services.

N. Utilities. Will the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:

1. Power?    \_\_\_\_\_                  \_\_\_\_\_                    X  

Implementation of the proposed development would create a demand for electrical service for lighting, heating and cooling requirements. San Diego Gas and Electric (SDG&E) Company is responsible for providing electrical and gas service in the project area. Existing underground and overhead facilities, located near and on the site, are available to serve the proposed project. No significant impacts are anticipated.

2. Natural gas?    \_\_\_\_\_                  \_\_\_\_\_                    X  

Natural gas service by SDG&E is also well established within the City to serve existing land uses. The proposed project would extend gas lines from existing gas mains in the project area. No significant impacts are anticipated.

3. Communications systems?    \_\_\_\_\_                  \_\_\_\_\_                    X  

The subject property is within the service area of Pacific Bell Telephone. Pacific Bell is committed to provide communication service to new developments. Pacific Bell, upon notification by the applicant, would plan for the expansion of the facilities

necessary to serve the project. No significant impacts are anticipated.

4. Water? \_\_\_\_\_ X \_\_\_\_\_

The proposed project would extend water lines from existing mains found on the proposed sites. The proposed development would not result in the need for new water systems or require substantial alterations to existing utilities.

5. Sewer? \_\_\_\_\_ X \_\_\_\_\_

The proposed project is located in an area served by existing utilities including sewer lines. The project proposes to upgrade an existing City sewer line. The sewer line runs from the south end of the project under SR-52 and into Marian Bear Memorial Park. The upgrade of the sewer line would allow for adequate sewer line facilities to support the additional 599 units being proposed.

6. Storm water drainage? \_\_\_\_\_ X \_\_\_\_\_

Storm runoff would be directed into the existing and proposed storm drain system. Implementation of the proposed project would not require substantial alterations to the storm water drainage system. No significant impacts are anticipated. The sewer line upgrade would reduce impacts to sewer facilities to below a level of significance.

7. Solid waste disposal? \_\_\_\_\_ X \_\_\_\_\_

Solid waste/refuse collection service to the proposed project would be provided by private hauling companies. The refuse generated by the proposed development would be transported to Miramar Landfill. Although the project

would incrementally add to the refuse generated within the area, it is not considered to be significant in light of the waste reduction programs mandated as a result of AB 939 and the City's policies for waste reduction.

- O. Energy. Will the proposal result in the use of excessive amounts of fuel or energy?

\_\_\_\_\_      \_\_\_\_\_        X  

The proposed project would not result in the use of excessive amounts of energy. The proposed project would be required to meet Title 24 energy conservation requirements for low energy usage. No significant impacts are anticipated.

- P. Water Conservation. Will the proposal result in:

1. Use of excessive amounts of water?

\_\_\_\_\_      \_\_\_\_\_        X  

The proposed project would not result in the use of excessive amounts of water. Landscaping proposed for the project has been designed in accordance with City requirements and would comply with the City's Landscape Ordinance on the use of water-efficient landscaping and irrigation systems.

2. Landscaping which is predominantly non-drought resistant vegetation?

\_\_\_\_\_      \_\_\_\_\_        X  

As indicated above, all landscaping shall comply with the City's Landscape Ordinance. Drought-resistant vegetation would be incorporated within the landscape design to reduce the reliance on water.

- Q. Neighborhood Character/Aesthetics. Will the proposal result in:

1. The obstruction of any vista or scenic view from a public viewing area?

\_\_\_\_\_      \_\_\_\_\_        X  

Marian Bear Memorial Park is located on the other side of SR-52, south of the project site. A down slope

gradient descends from the project site into the park. Views from Governor Drive to Marian Bear Park are already obstructed from the existing University City Village Apartments and surrounding residential development. Retaining walls proposed by the project would be located near Governor Drive would be a maximum of 1.5 feet high and would not obstruct views looking south. No impacts to scenic views are expected.

- 2. The creation of a negative aesthetic site or project? \_\_\_\_\_ X

The proposed project would comply with the *University Community Plan* to ensure an aesthetic development of the project site. The project would be in accordance with the guidelines created for the community area relative to the design and overall setting of the area. The project would result in a positive visual effect for the site.

- 3. Project bulk, scale, materials, or style which will be incompatible with surrounding development? \_\_\_\_\_ X

The project would create an additional 599 new elderly housing units to the existing University City Village Apartments. The proposed units would be low rise structures, similar to the height of adjacent residential structures. The project would also incorporate areas of landscape to break up the existing and proposed apartment buildings. No adverse impacts are anticipated.

- 4. Substantial alteration to the existing character of the area? \_\_\_\_\_ X

Community character is presented in the *University Community Plan*. The proposed project would be in accordance with the provisions that are outlined in the community plan. Thus, the project would be an expansion of the existing senior housing project and would not result in a substantial alteration to the existing community character.

5. The loss of any distinctive or landmark tree(s), or a stand of mature trees?

\_\_\_\_\_    \_\_\_\_\_      X  

No distinctive or landmark trees would be altered with the construction of the additional 599 units. A group of mature oaks are located at the southeast corner of the brush management Zone 1. These mature oaks would be preserved as a condition of the CUP. Landscaping of the site and additional street trees would be installed as part of the project, as required by the City of San Diego.

6. Substantial change in topography or ground surface relief features?

\_\_\_\_\_    \_\_\_\_\_      X  

The project includes grading of 11 acres with 12,000 cubic yards of cut and 7,100 yards of cubic fill. This equates to approximately 255 cubic yards per acre for the 75-acre site. The project site is relatively flat, with small slopes separating groups of units. The topography of the project site would not be substantially altered with the new development. See Initial Study discussion.

7. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock



outcrop, or hillside with a slope in excess of 25 percent?

\_\_\_\_\_      \_\_\_\_\_        X  

The topography of the project site would not be substantially altered with the new development. No loss, covering or modification of any unique geological features would occur with the project development.

R. Cultural Resources. Will the proposal result in:

1. Alteration of or the destruction of a prehistoric or historic archaeological site?

\_\_\_\_\_      \_\_\_\_\_        X  

The project site is currently developed with assisted-living and elderly residential units. The project proposes to construct an additional 599 units. No cultural resources are located on the site and impacts to cultural resources would not occur.

2. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site?

\_\_\_\_\_      \_\_\_\_\_        X  

No historical structures or sites are located on site or within the project area. Therefore, no impacts to historical resources would not occur.

3. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object?

\_\_\_\_\_      \_\_\_\_\_        X  

The project site is currently developed with the University City Village Apartments, which are not architecturally significant buildings. No impacts are anticipated.

4. Any impact to existing religious or sacred uses within the potential

impact area?

\_\_\_\_\_      \_\_\_\_\_        X  

There are no religious or sacred uses on-site or near the site. The proposed development would not result in the destruction of any current sacred or religious uses. Therefore, no significant impacts would not occur.

- S. Paleontological Resources. Will the proposal result in the loss of paleontological resources?

\_\_\_\_\_        X        \_\_\_\_\_

Grading and excavation activities that would be required to construct the proposed development and sewer line

upgrade may result in any significant impacts to paleontological resources. Mitigation measures are proposed to avoid potential impacts to important paleontological resources. See Initial Study discussion.

- T. Human Health/Public Safety. Will the proposal result in:

1. Creation of any health hazard or potential health hazard (excluding mental health)?

\_\_\_\_\_      \_\_\_\_\_        X  

The project proposes construction of additional senior housing residential units on a site that currently is developed with similar uses. No potential health hazards exist or are anticipated as a result of the proposed project.

2. Exposure of people to potential health hazards?

\_\_\_\_\_      \_\_\_\_\_        X  

The project proposes construction of additional senior housing residential units on a site that currently is developed with similar

uses. No potential health hazards exist or are anticipated as a result of the proposed project.

3. A future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)?

\_\_\_\_\_ X

The proposed development would not be involved in the excessive use of oil, pesticides, chemicals or in the use of radiation in quantities which would pose health hazards. Therefore, development of the site as proposed would not result in the creation of any health hazard.

U. Mandatory Findings of Significance.

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

\_\_\_\_\_ X

Development of the project site would not degrade the quality of the environment nor would it reduce habitat which supports sensitive species. The associated sewer upgrade would require a 15-foot wide open path which would impact approximately 0.06 acres southern sycamore-alder riparian woodland, which is considered a sensitive habitat. Mitigation measures would be incorporated as part of the project to reduce the impacts to

biological resources to below a level of significance. See Initial Study discussion. The project site does not contain historic or prehistoric resources.

2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)?

\_\_\_\_\_      \_\_\_\_\_        X  

The proposed site is currently designated for residential use in the *University Community Plan* and is specified in the community plan for senior citizen residential use. The project would consist of developing an additional 599 elderly residential units, including adding second stories to existing residential units, development of associated parking, demolition of an existing clubhouse and construction of a new clubhouse, and upgrading an existing City sewer line. The existing sewer line is partially located within Marian Bear Memorial Park which is identified as an MHPA in the City's MSCP. The MHPA allows for development of utility lines if *"no other routing is feasible, then the lines should follow previously existing roads, easements, right-of-way, and disturbed areas, minimizing habitat fragmentation"*. The proposed sewer improvement follows the alignment of the current existing sewer line. Alternative alignments are constrained by the location of the sewer main line, which is also located within the MHPA. Therefore the project would not accomplish short-term goals at the cost of long term environmental goals. See Initial Study discussion.

3. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

X

The project may also add cumulative impacts to the loss of sensitive habitat in the project vicinity. Mitigation measures have been incorporated into the project which would lessen the impacts to below a level of significance. See Initial Study discussion on biological resources.

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

X

The proposed project would not result in substantially adverse direct or indirect environmental effects on human beings.

## INITIAL STUDY CHECKLIST

### REFERENCES

#### A. Geology/Soils

- City of San Diego Seismic Safety Study, Updated 1995.
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- Site Specific Report: Report of Geologic Reconnaissance, University City Village by Southern California Soil & Testing, Inc.

#### B. Air

- California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.
- Regional Air Quality Strategies (RAQS) - APCD.

#### C. Hydrology/Water Quality

- Flood Insurance Rate Map (FIRM), 1989.
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map, 1989.

#### D. Biology

- City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.
- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- Community Plan - Resource Element  
New Western Garden Book - Rev. ed. Menlo Park, CA - Sunset Magazine.
- Robinson, David L., San Diego's Endangered Species, 1988.
- California Department of Fish and Game, "San Diego Vegetation", March 1985.

- \_\_\_ California Department of Fish and Game, "Bird Species of Special Concern in California", June 1978.
- \_\_\_ State of California Department of Fish and Game, "Mammalian Species of Special Concern in California", 1986.
- \_\_\_ State of California Department of Fish and Game, "California's State Listed Threatened and Endangered Plants and Animals", January 1, 1989.
- \_\_\_ Code of Federal Regulations, Title 50, Part 10, "List of Migratory Birds."
- \_\_\_ Code of Federal Regulations, Title 50, Part 17, "Endangered and Threatened Wildlife and Plants", January 1, 1989.
- \_\_\_ California Native Plant Society list, Powell, 1974.
- X Site Specific Report: Biological Resources Report for the Proposed University City Village Residential Development Project by Tierra Environmental Services.

**E. Noise**

- X Community Plan
- \_\_\_ 1990 Airport Influence Area for San Diego International Airport - Lindbergh Field CNEL Maps.
- \_\_\_ Brown Field Airport Master Plan CNEL Maps.
- \_\_\_ Montgomery Field CNEL Maps.
- X MCAS Miramar CNEL Maps, 1990.
- \_\_\_ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes 1990-94.
- \_\_\_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG, 1997.
- \_\_\_ Lindbergh Field Airport Influence Area, SANDAG Airport Land Use Commission.
- X City of San Diego Progress Guide and General Plan.
- X Site Specific Report: Noise Impact Analysis, University City Village Apartments, by: Giroux & Associates.

**F. Light, Glare and Shading**

Site Plans

**G. Land Use**

City of San Diego Progress Guide and General Plan.

Community Plan.

Airport Comprehensive Land Use Plan

City of San Diego Zoning Maps

FAA Determination

**H. Natural Resources**

City of San Diego Progress Guide and General Plan.

U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

**I. Recreational Resources**

City of San Diego Progress Guide and General Plan.

Community Plan.

Department of Park and Recreation

City of San Diego - San Diego Regional Bicycling Map

Additional Resources:

**J. Population**

City of San Diego Progress Guide and General Plan.

Community Plan.

Series 8 Population Forecasts, SANDAG.



**K. Housing**

Series 8 Population Forecasts, SANDAG.

**L. Transportation/Circulation**

City of San Diego Progress Guide and General Plan.

Community Plan.

San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG, 1997.

San Diego Region Weekday Traffic Volumes 1990-94, SANDAG.

Site Specific Report: Transportation Analysis for University City Village Apartments by Urban Systems Associates

**M. Public Services**

City of San Diego Progress Guide and General Plan.

Community Plan.

**N. Utilities**

N/A

**O. Energy**

N/A

**P. Water Conservation**

Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

City of San Diego Progress Guide and General Plan.

Community Plan.

**Q. Neighborhood Character/Aesthetics**

City of San Diego Progress Guide and General Plan.

Community Plan.

Local Coastal Plan.

**R. Cultural Resources**

City of San Diego Historical Resources Guidelines, 2000.

City of San Diego Archaeology Library.

City of San Diego Historical Site Board List.

City of San Diego Uptown Cultural Resource Inventory Volumes I-III, 1993.

Community Historical Survey:

**S. Paleontological Resources**

City of San Diego Paleontological Guidelines, 1996.

Demeré Thomas A., and Stephen L. Walsh, "Paleontological Resources County of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

**T. Human Health/Public Safety**

San Diego County Hazardous Materials Environmental Assessment/Mitigation Listing, 1996.

San Diego County Hazardous Materials Management Division

FAA Determination

State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.

Airport Comprehensive Land Use Plan Airport Land Use Planning Handbook.

HEARING OFFICER RESOLUTION NUMBER HO-XXXX  
TENTATIVE PARCEL MAP NO. 1024568  
UNIVERSITY CITY VILLAGE MAP – PROJECT NO. 273969

WHEREAS, Willmark Communities UTC Finance 1, Inc, Subdivider, and Robert Bateman, Surveyor, submitted an application to the City of San Diego for a tentative parcel map, Map No. 1024568, for the creation of four (4) parcels out of two (2) lots on a 54.97 acre site, known as University City Village Map – Project No. 273969. The project site is located west of Interstate 805, at 4611 Governor Drive in the RM-1-2 Zone, and Airport Influence Area Overlay, within the University Community Plan area. The property is legally described as; Lots 2 and 3 of University City, Map No. 5100; and

WHEREAS, the Map proposes the Subdivision of a two lot, 54.97-acre site, into four (4) parcels for a residential development; and

WHEREAS, the City of San Diego, as Lead Agency, through the Development Services Department, prepared Mitigated Negative Declaration (MND) No. 98-0408 / SCH No. 2000061116 for the University City Village project that was before the San Diego City Council, which certified and adopted the Mitigation Monitoring and Reporting Program (MMRP) on October 3, 2000, by Resolution No. R-293935; 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 September 12, 2012, the Hearing Officer of the City of San Diego considered Tentative Parcel Map No. 1024568 and pursuant to San Diego Municipal Code section 125.0440, and 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 Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Parcel Map No. 1024568:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).** The existing subdivision approvals included an Amendment to the University Community Plan to redesignate the site for multi-family development. As currently proposed the subdivision of the existing two lots into four parcels would comply with the development regulations of the underlying RM-1-2 zone and the approved Resource Protection Ordinance/Conditional Use Permit No. 98-0408, for the University City Village development. There is no increase in density or intensity, as no construction is approved or requested with this application and any future construction must conform to the University City Village Permit No. 98-0408, and the San Diego Municipal Code. The proposed subdivision complies with the policies, goals, and objectives of the applicable land use plan by providing residential development consistent with the community 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 proposed subdivision would comply with the development regulations of the underlying RM-1-2 zone, requesting no deviations or variances. The proposed subdivision is regulated by Resource Protection Ordinance/Conditional Use Permit No. 98-0408, for the University City Village development, and all the applicable development regulations of the San Diego Municipal Code.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).** The proposed subdivision would be consistent with the Residential Element applicable to the site in the University Community Plan and would comply with the applicable development regulations of the underlying RM-1-2 zone and the approved Resource Protection Ordinance/Conditional Use Permit No. 98-0408, for the University City Village development. There is no increase in density or intensity, as no construction is approved or requested with this application. The site is part of a large multi-family development that includes senior housing within the University area, and is suitable for this type and density of development.

**4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).** The proposed subdivision and improvements have been designed to comply with all

applicable Federal, State and local land use policies and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. The project was determined to comply with Mitigated Negative Declaration (MND) No. 98-0408 / SCH No. 2000061116 for the University City Village project that was before the San Diego City Council, which certified and adopted the Mitigation Monitoring and Reporting Program (MMRP) on October 3, 2000, by Resolution No. R-293935. The MMRP is still valid for this site which requires mitigation in the issue areas Hydrology/Water Quality, Biological Resources, and Noise, among other issue areas. The mitigation continues to be required in order to reduce impacts to fish and wildlife, and their habitat, to a level below significance. The subdivision of these lots does not prevent adherence to the MMRP, nor does it increase impacts to these resources.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).** The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).** The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements. Therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The proposed subdivision of a two lot, 54.97 acre site into four parcels for residential development will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. Design guidelines have been adopted for the future construction of the multi-family dwellings; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

**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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).** The proposed project is the subdivision

of a two lot 54.97 acre site into four lots for residential development. The subdivision of this parcel into four residential lots is consistent with what was approved in the University City Village Apartments , Project No. 98-0408. The approved project was for the construction of additional senior housing, and assisted living units, in an existing senior housing complex. Environmentally Sensitive Lands are also present on the site. The project design has taken into account the best use of the land to minimize grading and preserve sensitive lands. The decision maker has reviewed the administrative record including the project plans, and found that the subdivision of an existing two lot, 54.97-acre site into four residential lots for private development is consistent with the housing needs anticipated for the University Community Planning area. The approval of this subdivision does not alter any prior approvals for the construction of the residential units.

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 Hearing Officer, Tentative Parcel Map No. 1024568 is hereby granted to Willmark Communities UTC Finance 1, Inc. subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_  
Jeannette Temple  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24002532

HEARING OFFICER RESOLUTION NUMBER HO-XXXX  
TENTATIVE PARCEL MAP NO. 1024568  
UNIVERSITY CITY VILLAGE MAP – PROJECT NO. 273969

WHEREAS, Willmark Communities UTC Finance 1, Inc, Subdivider, and Robert Bateman, Surveyor, submitted an application to the City of San Diego for a tentative parcel map, Map No. 1024568, for the creation of four (4) parcels out of two (2) lots on a 54.97 acre site, known as University City Village Map – Project No. 273969;

WHEREAS, the project site is located west of Interstate 805, at 4611 Governor Drive in the RM-1-2 Zone and the Airport Influence Area Overlay Zone within the University Community Plan area and the property is legally described as Lots 2 and 3 of University City, Map No. 5100;

WHEREAS, the Map proposes the Subdivision of a two-lot, 54.97-acre site into four (4) parcels for a residential development;

WHEREAS, the City of San Diego, as Lead Agency, through the Development Services Department, prepared Mitigated Negative Declaration (MND) No. 98-0408 / SCH No. 2000061116 for the University City Village project that was before the San Diego City Council, which certified and adopted the Mitigation Monitoring and Reporting Program (MMRP) on October 3, 2000, by Resolution No. R-293935;

WHEREAS, a preliminary soils and geological reconnaissance report is 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 September 12, 2012, the Hearing Officer of the City of San Diego considered Tentative Parcel Map No. 1024568 and, pursuant to San Diego Municipal Code section 125.0440 and 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 Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Parcel Map No. 1024568:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).** The existing subdivision approvals included an Amendment to the University Community Plan to redesignate the site for multi-family development. As currently proposed, the subdivision of the existing two lots into four parcels would comply with the development regulations of the underlying RM-1-2 zone and the approved Resource Protection Ordinance/Conditional Use Permit No. 98-0408 for the University City Village development. There is no increase in density or intensity, as no construction is approved or requested with this application and any future construction must conform to the University City Village Permit No. 98-0408 and the San Diego Municipal Code. The proposed subdivision complies with the policies, goals, and objectives of the applicable land use plan by providing residential development consistent with the community 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 proposed subdivision would comply with the development regulations of the underlying RM-1-2 zone, requesting no deviations or variances. The proposed subdivision is regulated by Resource Protection Ordinance/Conditional Use Permit No. 98-0408, for the University City Village development, and all the applicable development regulations of the San Diego Municipal Code.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).** The proposed subdivision would be consistent with the Residential Element applicable to the site in the University Community Plan and would comply with the applicable development regulations of the underlying RM-1-2 zone and the approved Resource Protection Ordinance/Conditional Use Permit No. 98-0408 for the University City Village development. There is no increase in density or intensity, as no construction is approved or requested with this application. The site is



part of a large multi-family development that includes senior housing within the University City area, and is suitable for this type and density of development.

**4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).** The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed, and inspected in accordance with the California Building Code. The project was determined to comply with Mitigated Negative Declaration (MND) No. 98-0408 / SCH No. 2000061116 for the University City Village project that was before the San Diego City Council, which certified and adopted the Mitigation Monitoring and Reporting Program (MMRP) on October 3, 2000, by Resolution No. R-293935. The MMRP is still valid for this site which requires mitigation in the issue areas Hydrology/Water Quality, Biological Resources, and Noise, among other issue areas. The mitigation continues to be required in order to reduce impacts to fish and wildlife, and their habitat, to a level below significance. The subdivision of these lots does not prevent adherence to the MMRP, nor does it increase impacts to these resources.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).** The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed, and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).** The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements. Therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The proposed subdivision of a two lot, 54.97 acre site into four parcels for residential development will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. Design guidelines have been adopted for the future construction of the multi-family dwellings; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building

materials, site orientation, architectural treatments, placement, and selection of plant materials to provide, 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).** The proposed project is the subdivision of a two-lot 54.97 acre site into four lots for residential development. The subdivision of this parcel into four residential lots is consistent with what was approved in the University City Village Apartments , Project No. 98-0408. The approved project was for the construction of additional senior housing and assisted living units in an existing senior housing complex. Environmentally Sensitive Lands are also present on the site. The project design has taken into account the best use of the land to minimize grading and preserve sensitive lands. The decision maker has reviewed the administrative record, including the project plans, and found that the subdivision of an existing two-lot, 54.97-acre site into four residential lots for private development is consistent with the housing needs anticipated for the University Community Planning area. The approval of this subdivision does not alter any prior approvals for the construction of the residential units.

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 Hearing Officer, Tentative Parcel Map No. 1024568 is hereby granted to Willmark Communities UTC Finance 1, Inc. subject to the attached conditions, which are made a part of this resolution by this reference.

By \_\_\_\_\_  
Jeannette Temple  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24002532

UNIVERSITY COMMUNITY PLANNING GROUP  
 University Town Center – Forum Hall  
 Executive Committee Monthly Meeting – Tuesday, May 8, 2012  
 Minutes (Final)

Directors present: Janay Kruger (JK) (Chair), Kris Kopensky (KK) (Secretary), Jana Fortier (JF), Andrew Wiese (AW), Charley Herzfeld (CH), John Bassler (JB), Deryl Adderson (DA), Nan Madden (NM), Pat Wilson (PW), Sam L. Greening (SG), Doug Williamson (DW), Marilyn Dupree (MD), Petr Krysl (PK), William Geckeler (WG), Ryan Perry (RP), Bruce Rainey (BR), Alice Tana (AT), and Juan H. Lias (JL)..

Directors absent: Anu Delouri (AD) and George Lattimer (GL).

1. **Call Meeting to Order** – Janay Kruger (JK) at 6:16 PM.
2. **Pledge of Allegiance.**
3. **SDPD- Duane Voss**
  - a. Introduction of new community liaison, Omar Sinclair
4. **Agenda Adoption –**  
**Motion:** PW motion to approve with no changes seconded by MD.  
**Vote: Unanimous**
5. **Approval of April 2012 Minutes -**
  - a. PW: Emailed several spelling and grammatical corrections that were reviewed  
**Motion:** Recommend approval of minutes as amended by DW and seconded by RP.  
**Vote: Unanimous**
6. **Announcements – Janay Kruger (Chair)**
  - a. Adhoc committee formed for Super Loop, Ryan Perry to lead, members, Dale Disharon, PW, and JK
  - b. Scheduling meeting to review south UC letter
  - c. Concrete surface testing on I-5 (in packet)
  - d. Vernal pool seminar info in packet
  - e. Bruce Rainey attended COW training
7. **Reports-**
  - a. **Membership –** No appointed Membership Secretary
    - a. Membership not reviewed, sign in sheets available
  - b. **UCSD –** Brian Gregory
    - a. Broke ground on Jacobs Medical center, estimated completion 2015/2016
    - b. Community newsletter available
    - c. News release on new Chancellor available
  - c. **Councilperson Sherri Lightner Office –** Jesse Mays
    - a. Last week S&P raised city credit rating from A+ to AA-, it will be less expensive for the city to borrow money
    - b. Update on UC Library parking lights
    - c. Council's office available for neighborhood issues
  - d. **Assemblyman Nathan Fletcher Office–** Sterling McHale
    - a. Care package drive for Military Appreciation Month
  - e. **53<sup>rd</sup> District, Susan Davis Office –** Katherine Fortner
    - a. Davis dispatch distributed
    - b. Review of dispatch
  - f. **50<sup>th</sup> District Brian Bilbray Office –** Absent
  - g. **MCAS Miramar –** Juan Lias
    - a. Air Show 5 months out
    - b. Colonel Richie will be relocating back to Washington D.C.

- c. Colonel John Farner will be taking command of MCAS Miramar
- h. Planning Department – Dan Monroe**
  - a. COW workshop is Saturday from 8:00 AM -12:00 PM
  - b. BIOMED project reviewed last month is scheduled for review May 17th
  - c. Available for questions
- i. Public Comment**
  - a. Public comment on Super Loop and ad hoc committee
  - b. Justice for Janitors spoke
- 8. Action Item: Coast Income Properties Substantial Conformance Review 51,086 sf office building at Eastgate Technology Park, PTS 218954 1.96 Acres - Tim Schulze PCA Architects, Dan Kerr with Coast Income**
  - a. Review of project, steel frame building, three stories, 51k rsf
  - b. No time line or Tenant list available
  - c. Q: PK: Will the building be LEED? A: yes, there are plans to incorporate LEED
  - d. C: Community, LEED Silver or Platinum should be considered
  - e. C: AW: can you walk us through the project site? A: walked through project site
  - f. Q: PK: Parking level is at grade? A: Yes.
  - g. Q: PK How will you handle run off? A: Will be handled on grading plans to code

**Motion:** Motion to recommend approval as presented by PW and Seconded by AT.  
**Vote: Unanimous**
- 9. Action Item: University City Village Tentative Map to create 4 parcels on 54.97 Acres, PTS 273969 Map for financing purposes- Robert Bateman, San Diego Land Surveying, Shaun Schmidt Willmark Communities**
  - a. Asked City for a revision to their parcel map
  - b. Breaking the three parcels into six parcels
  - c. Q: JK, your building the same thing? A: we are building the same thing
  - d. Q: WG: are we approving something else by approving these parcels. A: What you would be approving is that these new lots will become legal lots.
  - e. C:JK: if new lots were created theoretically they can be sold off
  - f. Q: AW: what is planned on the site? A: review of revised CUP
  - g. Q: WG, have you done due diligence to achieve financing as is? A: It is difficult as there are loans on the developed parcels. It is possible but not practical
  - h. C:CH, if he recalls correctly, Salk asked to do the same in the past and this is not that uncommon
  - i. C: WG, concern about why we wouldn't subdivide the other parcels that may be re-parceled later.
  - j. Q: CUP is currently senior living, is the percentage of 55 and older staying the same? A: Yes it is staying the same

**Motion:** Motion to approve redraw of parcel map based on financial need only by DW and seconded by AT.  
**Vote: 14 in favor two in opposition, motion passed.**
- 10. Action Item: Illumina Substantial Conformance Review, Revise Site Plan to move buildings, no increase in Intensity- Jason Morehead, Alexandria, John Olson DGA**
  - a. Review of project
  - b. All new building slated for LEED gold
  - c. Slight location change planned requiring site plan revision
  - d. Revision will reduce need for surface parking and will maintain square footage, use, and parking allotment

**Motion:** Motion to approve as presented by DW and seconded by JB.  
**Vote: Unanimous, note RP not present for vote.**
- 11. Action Item: Kilroy Request to initiate a Community Plan Amendment to amend Table 3. Land Use and Development Intensity 9455 Towne Center Drive- Robin Munro Madaffer, Attorney**

- a. Current project at 45k rsf, like to build 150k rsf building
- b. Requesting density change. adding 840 ADT  
**Motion:** Motion to recommend approval by AT, amended by WG at Kilroy's earliest convenience come back and report on parking, traffic, size of the building, phasing, and native plants and seconded by PW.

**Vote: 10 for, 4 opposed, BR recused, RP not present, motion passed.**

**12. Ad Hoc Committees**

- a. Torrey Pines City Glider Park – Doug Williamson
  - a. The City is preparing a mitigated negative declaration
- b. Bicycle Safety Committee - Petr Krysl
  - a. No update
- c. Mid Coast Trolley –JK
  - a. No update
- d. High Speed Rail – Sam Greening
  - a. No update
- e. Scripps Health – J. Kruger
  - a. Waiting for EIR, likely in July/August
- f. La Jolla Crossroads III – GL/AT
  - a. JK: received a call from Garden Communities, she recommended that they meet with the subcommittee, meeting scheduled on May 22nd 6:00PM at crossroads

**13. Old/New Business**

- a. SOUTH UC sub committee met and reviewed DIF letter, information in packet

**14. Adjourn – 8:34 PM**

Submitted by:

Kristopher J. Kopensky, Secretary  
University Community Planning Group

Project Title: Town Park Villas & La Jolla Del Rey Map Waiver	Project No. (For City Use Only) <b>273969</b>
--	--

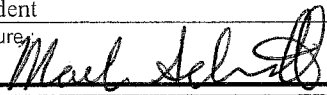
**Part II --To be completed when property is held by a corporation or partnership**

Legal Status (please check):

Corporation     Limited Liability -or-     General)    What State? \_\_\_\_\_    Corporate Identification No. \_\_\_\_\_

Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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 names, titles and addresses of **all** persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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.    **Additional pages attached**     Yes     No

Corporate/Partnership Name (type or print): Willmark Communities UTC Finance 1, Inc.	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address: 9948 Hibert St., Suite 210	
City/State/Zip: San Diego, CA 92131	
Phone No: 858-271-0582	Fax No: 858-271-4522
Name of Corporate Officer/Partner (type or print): Mark Schmidt	
Title (type or print): President	
Signature: 	Date: 2/29/12

Corporate/Partnership Name (type or print): Pavlov, Inc.	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address: 9948 Hibert St., Suite 210	
City/State/Zip: San Diego, CA 92131	
Phone No: 858-271-0582	Fax No: 858-271-4522
Name of Corporate Officer/Partner (type or print): Mark Schmidt	
Title (type or print): President	
Signature: 	Date: 2/29/12

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:



THE CITY OF SAN DIEGO

DATE OF NOTICE: August 28, 2012

# NOTICE OF PUBLIC HEARING

## HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

---

<b>DATE OF HEARING:</b>	September 12, 2012
<b>TIME OF HEARING:</b>	8:30 A.M.
<b>LOCATION OF HEARING:</b>	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
<b>PROJECT TYPE:</b>	Tentative Map, Process 3
<b>PROJECT NO:</b>	<u>273969</u>
<b>PROJECT NAME:</b>	<u>UNIVERSITY CITY VILLAGE MAP</u>
<b>APPLICANT:</b>	Robert Bateman
<b>COMMUNITY PLAN AREA:</b>	University
<b>COUNCIL DISTRICT:</b>	District 1
<b>CITY PROJECT MANAGER:</b>	Jeannette Temple, Development Project Manager
<b>PHONE NUMBER/E-MAIL:</b>	(619) 557-7908/jtemple@sandiego.gov

---

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Tentative Parcel Map to create four (4) parcels out of two (2) lots on a 54.97 acre site at 4611 Governor Drive in the RM-1-2 Zone, and Airport Influence Area Overlay, within the University Community Plan area. The project is for land division only. No changes to the University City Village (98-0408) development permits are being authorized.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services) or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project is within the scope of Mitigated Negative Declaration No. 98-0408, Certified on October 3, 2000. This Mitigated Negative Declaration adequately describes the activity for the purposes of CEQA.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at

(619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24002532