

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: June 22, 2016

TO: City Clerk

FROM: Corrine L. Neuffer, Deputy City Attorney

SUBJECT: The New One Paseo Project - R-2016-643 Cor. Copy; O-2016-112 Cor. Copy; O-2016-119 Cor. Copy 2; O-2016-114 Cor. Copy; O-2016-113 Cor. Copy

Subsequent to the submittal of the ordinances and resolution to the City Clerk, the project manager for The New One Paseo project informed our Office of some clerical errors and changes in the documents, including the attachments to the ordinances.

1. Please substitute this corrected ordinances, R-2016-643 Cor. Copy, for the one previously submitted. The correction addresses the incorrect applicant name that appeared in the following paragraphs, corrected as follows:

WHEREAS, on August 28, 2009, Kilroy Realty ~~Corporation~~, L.P., a Delaware Limited Partnership submitted an application to Development Services Department for a rezone, amendments to the General Plan, the Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit, and a Neighborhood Development Permit for the development of a mixed-use project for the One Paseo; and

WHEREAS, on October 15, 2015, Kilroy Realty ~~Corporation~~, L.P. submitted an application to the Development Services Department for amendments to the Municipal Code, General Plan, the Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan, a Vesting Tentative Map, a Site Development Permit and a Neighborhood Development Permit for the development of a mixed-use project for the New One Paseo (Project); and

2. Please substitute this corrected ordinance, O-2016-112 Cor. Copy, for the one previously submitted. The correction addresses the incorrect applicant name that appeared in the following paragraph, corrected as follows:

WHEREAS, Kilroy Realty ~~Corporation~~, L.P., a Delaware Limited Partnership, requested amendments to redesignate the 23.6-acres within the General Plan from Industrial Employment to Multiple Use, the Carmel Valley Community Plan from Employment

Center to Community Village, and an amendment to the North City West (Carmel Valley) to Employment Center Development Unit Number Two Precise Plan (Precise Plan) to include design parameters for the site (Plan Amendments); and

3. Please substitute this corrected ordinance, O-2016-119 Cor. Copy 2, for the one previously submitted. Please note that while the actual correction only occurs in the clean version of this ordinance, the digest and strikeout versions are identified as corrected. The correction addresses the incorrect applicant name that appeared in the following paragraph, corrected as follows:

WHEREAS, Kilroy Realty ~~Corporation, L.P., a Delaware Limited Partnership~~ (Applicant), filed an application with the City of San Diego for a Municipal Code amendment, amendments to the General Plan, the Carmel Valley Community Plan, and the Carmel Valley Employment Center Precise Plan, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit, and a Neighborhood Development Permit for a phased mixed-use development consisting of multi-family residential, commercial retail, and commercial offices known as the New One Paseo project (Project); and

4. Please substitute this corrected ordinance, O-2016-114 Cor. Copy, for the one previously submitted. The correction addresses the incorrect applicant name in the ordinance and Permit, incorrect legal description in the ordinance, and error in Condition 27 of the Permit, corrected as follows:

Ordinance:

WHEREAS, Kilroy Realty, L.P., a Delaware Limited Partnership, Owner/Permittee, filed an application with the City of San Diego pursuant to San Diego Municipal Code (SDMC) Sections 126.0402(d) and 153.0201(a) for Site Development Permit No. 1579191 and Neighborhood Development Permit No. 1579192 to construct a mixed-use development consisting of multi-family residential, commercial retail and commercial office known as the New One Paseo project; and

WHEREAS, the 23.6-acre site is located at the southwest corner of the intersection of Del Mar Heights Road and El Camino Real within the CVPD-MC Zone, the Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map Nos. 15061 and Parcel 2 of Parcel Map No. 19130; and

Section 3. That, based on the findings hereinbefore adopted by the Council of the City of San Diego, Site Development Permit No. 1579191 and Neighborhood Development Permit No. 1579192 are granted to Kilroy Realty ~~Corporation, L.P., a Delaware Limited Partnership~~, Owner/Permittee, under the terms and conditions set forth in the attached permit, which is made a part of this ordinance, and contingent upon final passage of O-

_____ approving amendments to the General Plan, Carmel Valley Community Plan, and Precise Plan.

Permit:

This Site Development Permit No. 1579191 and Neighborhood Development Permit No. 1579192 are granted by the City of San Diego to Kilroy Realty Corporation, L.P., a Delaware Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0402(d) and 153.0201(a). The 23.6-acre site is located at the southwest corner of the intersection of Del Mar Heights Road and El Camino Real within the CVPD-MC Zone, the Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map No. 15061 and Parcel 2 of Parcel Map No. 19130 within the City of San Diego, County of San Diego, State of California.

27. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-~~0009~~2013-DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, or subsequent order. In accordance with Order No. 2009-0009-DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

5. Please substitute this corrected ordinance, O-2016-113 Cor. Copy, for the one previously submitted. The correction addresses the incorrect applicant name legal description in the ordinance, and changes in attached Conditions for Vesting Tentative Map No. 1579190, corrected as follows:

Ordinance:

WHEREAS, Kilroy Realty Corporation, L.P., a Delaware Limited Partnership, Subdivider, and Leppert Engineering, Engineer, submitted an application to the City of San Diego for Vesting Tentative Map No. 1579190, including public right-of-way and easement vacations, for the New One Paseo project; and

WHEREAS, the project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive with Interstate 5 one quarter mile to the west and State Route 56 approximately one mile to the south. The property is legally described as Parcels 1 and 2 of Parcel Map Nos. 15061 and Parcel 2 of Parcel Map No. 19130; and

Section 4. That based on the findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1579190, including public right-of-way and an easement vacations, is hereby granted to Kilroy Realty Corporation, L.P. subject to the attached conditions which are made a part of this ordinance by this reference and contingent upon final

passage of O-_____ approving amendments to the General Plan, Carmel Valley Community Plan, and Precise Plan General Plan, Carmel Valley Community Plan, and Precise Plan.

Conditions for Vesting Tentative Map No. 1579190:

11. The Subdivider shall relinquish abutter's rights on Del Mar Heights Road across the existing Del Mar Heights Place right-of-way and re-vest abutter's rights across the project's proposed one signalized driveway entrance on Del Mar Heights Road and the right turn in, right turn out entrance at Driveway "B".
25. Prior to the ~~recording of the Final Map~~ issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.