

RESOLUTION NUMBER R- 309271

DATE OF FINAL PASSAGE OCT 07 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
GRANTING SITE DEVELOPMENT PERMIT NO. 1258689  
FOR THE AKIN RESIDENCES - PROJECT NO. 352250.

WHEREAS, G2F TALBCO, LLC, a California Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a Site Development Permit (Permit) to construct two single family dwelling units on a vacant parcel of land known as the Akin Residences project, located at 3116 1/3 Falcon Street (temporary address) in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area, the Airport Environs Overlay Zone (AEOZ) and Airport Land Use Compatibility Plan (ALUCP) Noise Contours for the San Diego International Airport (SDIA), Airport Approach Overlay Zone (AAOZ) for SDIA, Airport Influence Areas (AIA) for SDIA, and the Federal Aviation Administration (FAA) Part 77 for the SDIA and North Island Naval Air Station (NAS); and legally described as:

Parcel 1: Lot F, Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County together with that portion of the northerly half of Redwood Street adjoining said Lot F on the south. Also together with an undivided 1/9 interest in Lot J in said Block 368; and together with that portion of Goldfinch Street adjoining Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in Deed Book 13, Page 522, in the Office of the County Recorder of San Diego County; and

Parcel 2: An easement for road and utility purposes over, under, along and across strip of land 24.00 feet in width lying within Lot C through J inclusive in Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County, together with that portion of the north half of Redwood Street adjoining said Block 368 on the south as vacated and closed to public use. The center line of said 24.00 foot strip being described as follows:

Beginning at the intersection of the southerly prolongation of the easterly line of Lot F in said Block 368, with the southerly line of the north 40.00 feet of said Redwood Street; thence northerly along said prolongation to and along the easterly lines of Lots F, E, D, and C, to the northeasterly corner of said Lot C. Also, beginning at a point of the westerly line of Lot H in said Block 368, distant thereon southerly 4.00 feet from the northwest corner thereof, said point of being the beginning of a tangent 90.00 foot radius curve, concave southeasterly; thence northerly and northeasterly along said curve, through a central angle of  $90^{\circ}$ , a distance of 141.37 feet, thence tangent to said curve, easterly 10.00 feet to the easterly line of Lot J in said Block 368.

The easement herein described in hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portion of Parcel 1 above; and

Parcel 3: An easement for sewer and water line purposes over, under, along and across the northerly 10.00 feet of Lot G, Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County. The easement herein described in hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portion of Parcel 1 above; and

WHEREAS, on August 14, 2014, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 1258689, and pursuant to Resolution No. 4615-PC voted to recommend approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on October 7, 2014, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit [SDP] No. 1258689:

**A. SITE DEVELOPMENT PERMIT APPROVAL- Section 126.0504**

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

**a. The proposed development will not adversely affect the applicable land use plan;** The 0.29-acre site is located at 3116 1/3 Falcon Street in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area. The community plan designates the site for Low-Residential 5-10 dwelling units per acre (DU/AC) with a limited portion of the southern end of the property designated for Open Space (approximately 0.01 acres), and approximately 0.09-acres as a public right-of-way (ROW). The proposed parcels are within Urban Design Area 2 which is a transition zone designed to preserve the open space character of the neighborhood and afford public views. Development intensity is allowed within this transition zone at a very low density 3-4 DU/AC. The project site could accommodate one dwelling unit on each of the proposed parcels based on the underlying zone and the community plan.

The project proposes a partial ROW vacation at the terminus of Goldfinch Street; of which approximately 2,000 square feet would be allocated to the project site and the remaining approximately 2,000 square feet would be allocated to the adjacent parcel. According to the Open Space and Recreation Element of the community plan, public ROW should be vacated only if the following “findings” can be made in which the ROW will not be needed in the future for:

- either public access to individual parcels or to public open space;
- to provide for parking;
- to provide open space for public; or
- to maintain views of open space from public ROW.

The vacation of this unimproved portion of Goldfinch Street would not preclude access to individual, privately owned parcels as existing residences in the vicinity maintain access from the improved portion of the Goldfinch Street or other streets. The paper street portion of Goldfinch Street connects to Reynard Canyon which is designated as Open Space; however, properties within this portion of the canyon are privately owned, and largely developed with single-family dwelling units. The area proposed for vacation would not be needed for parking in the future as the existing portion of Goldfinch Street currently terminates as an existing cul-de-sac. Additionally, the portions of the street vacation are contiguous with private property and therefore would not provide access to open space for public use. Further, no public views are identified or are proposed along the Goldfinch Street ROW.

The 0.29-acre vacant site would be subdivided into two parcels and a single family dwelling unit would be constructed on each of the new parcels, which would result in the creation of two additional single family dwelling units within the Uptown community. Therefore, the proposed development will not adversely affect the Uptown Community land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare; and** The project proposes a partial ROW vacation at the terminus of Goldfinch Street; of which approximately 2,000 square feet would be allocated to the project site and the remaining approximately 2,000 square feet would be allocated to the adjacent parcel. The 0.29-acre vacant site would be subdivided into two parcels and a single family dwelling unit would be constructed on each of the new parcels. Akin-Parcel 1 consists of a two-story, 3,157-square foot single family dwelling unit with a 1,251-square foot basement/two-car garage that would be accessed from the existing private driveway along the eastern side of the property. Akin-Parcel 2 consists of a two-story, 3,570-square foot single family dwelling unit with a two-car garage, and a 418-square foot basement, which would be accessed from the existing cul-de-sac at the terminus of Goldfinch Street.

A Mitigated Negative Declaration (MND) No. 352250 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines, which addresses potential impacts to Paleontological Resources. A Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented with this project to reduce the potential impacts to a level below significance.

The permit for the project does include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in SDP No. 1258689, and

other regulations and guidelines pertaining to the subject property per the LDC. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The project proposes a partial ROW vacation at the terminus of Goldfinch Street; of which approximately 2,000 square feet would be allocated to the project site and the remaining approximately 2,000 square feet would be allocated to the adjacent parcel. The 0.29-acre vacant site would be subdivided into two parcels and a single family dwelling unit would be constructed on each of the new parcels. Akin-Parcel 1 consists of a two-story, 3,157-square foot single family dwelling unit with a 1,251-square foot basement/two-car garage that would be accessed from the existing private driveway along the eastern side of the property. Akin-Parcel 2 consists of a two-story, 3,570-square foot single family dwelling unit with a two-car garage, and a 418-square foot basement, which would be accessed from the existing cul-de-sac at the terminus of Goldfinch Street.

The proposed project includes a request for deviations to lot depth, street frontage, and site wall height. The proposed Akin-Parcel 1 shall have a lot depth of 90.19-feet and Akin-Parcel 2 shall have a lot depth of 90.27-feet, where the RS-1-7 Zone requires a minimum of 95-feet. Both parcels would be 6,320 square feet in size and 70.03-feet wide, which exceed the RS-1-7 Zone requirements of a minimum 5,000 square foot lot size and a minimum lot width of 50-feet. In addition, Akin-Parcel 2 shall have a 40-foot street frontage and no street frontage on Akin-Parcel 1, where the RS-1-7 Zone requires a minimum of 50-feet. The project site currently has only an existing 40-foot street connection to the existing cul-de-sac at the terminus of Goldfinch Street and an undivided 1/9 interest in a shared private driveway along the eastern side of the property that was recorded on July 31, 1978, which would be the only access to the proposed Akin-Parcel 1. Because the existing topography of the adjacent property is higher, the project includes a deviation for a retaining wall along the western property line to allow for the proposed garage and the driveway that is accessed from Goldfinch Street.

Each of the deviations was reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. It was determined that the deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and by providing a separate access to each of the proposed buildings, while meeting the purpose and intent of the development regulations.

Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Uptown Community Plan, LDC, and the General Plan.

**2. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings:**

**a. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants;** The project proposes a partial ROW vacation at the terminus of Goldfinch Street; of which approximately 2,000 square feet would be allocated to the project site and the remaining approximately 2,000 square feet would be allocated to the adjacent parcel. The 0.29-acre vacant site would be subdivided into two parcels and a single family dwelling unit would be constructed on each of the new parcels.

The project incorporates a roof-mounted photovoltaic system on each of the proposed single family dwelling units consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. Other sustainable design features considered in the project are the use of drought tolerant landscaping to minimize water consumption and permeable hardscaping to maximize the sites ability to retain water and lessen watershed.

Therefore, the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.

**b. The development will not be inconsistent with the purpose of the underlying zone;** and The 0.29-acre site is located at 3116 1/3 Falcon Street in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area. The community plan designates the site for Low-Residential 5-10 DU/AC with a limited portion of the southern end of the property designated for Open Space (approximately 0.01 acres), and approximately 0.09-acres as a ROW. The proposed parcels are within Urban Design Area 2 which is a transition zone designed to preserve the open space character of the neighborhood and afford public views. Development intensity is allowed within this transition zone at a very low density 3-4 DU/AC. The project site could accommodate one dwelling unit on each of the proposed parcels based on the underlying zone and the community plan.

The project proposes a partial ROW vacation at the terminus of Goldfinch Street; of which approximately 2,000 square feet would be allocated to the project site and the remaining approximately 2,000 square feet would be allocated to the adjacent parcel. The 0.29-acre vacant site would be subdivided into two parcels and a single family dwelling unit would be constructed on each of the new parcels. Therefore, the proposed development will not be inconsistent with the purpose of the underlying zone.

c. **Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project proposes a partial ROW vacation at the terminus of Goldfinch Street; of which approximately 2,000 square feet would be allocated to the project site and the remaining approximately 2,000 square feet would be allocated to the adjacent parcel. The 0.29-acre vacant site would be subdivided into two parcels and a single family dwelling unit would be constructed on each of the new parcels. Akin-Parcel 1 consists of a two-story, 3,157-square foot single family dwelling unit with a 1,251-square foot basement/two-car garage that would be accessed from the existing private driveway along the eastern side of the property. Akin-Parcel 2 consists of a two-story, 3,570-square foot single family dwelling unit with a two-car garage, and a 418-square foot basement, which would be accessed from the existing cul-de-sac at the terminus of Goldfinch Street.

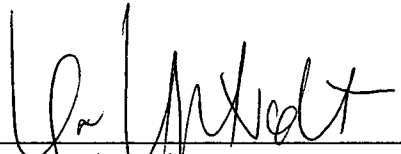
The proposed project includes a request for deviations to lot depth, street frontage, and site wall height. The proposed Akin-Parcel 1 shall have a lot depth of 90.19-feet and Akin-Parcel 2 shall have a lot depth of 90.27-feet, where the RS-1-7 Zone requires a minimum of 95-feet. Both parcels would be 6,320 square feet in size and 70.03-feet wide, which exceed the RS-1-7 Zone requirements of a minimum 5,000 square foot lot size and a minimum lot width of 50-feet. In addition, Akin-Parcel 2 shall have a 40-foot street frontage and no street frontage on Akin-Parcel 1, where the RS-1-7 Zone requires a minimum of 50-feet. The project site currently has only an existing 40-foot street connection to the existing cul-de-sac at the terminus of Goldfinch Street and an undivided 1/9 interest in a shared private driveway along the eastern side of the property that was recorded on July 31, 1978, which would be the only access to the proposed Akin-Parcel 1. Because the existing topography of the adjacent property is higher, the project includes a deviation for a retaining wall along the western property line to allow for the proposed garage and the driveway that is accessed from Goldfinch Street.

Each of the deviations was reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. It was determined that the deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and by providing a separate access to each of the proposed buildings, than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

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

BE IT FURTHER RESOLVED, that Site Development Permit [SDP] No. 1258689 is granted to G2F TALBCO, LLC, a California Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
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Inga B. Lintvedt  
Deputy City Attorney

IBL:mm  
9/17/2014  
Or.Dept:DSD  
Doc. No. 858491



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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004292

**SITE DEVELOPMENT PERMIT NO. 1258689**  
**AKIN RESIDENCES PROJECT NO. 352250 [MMRP]**  
CITY COUNCIL

This Site Development Permit No. 1258689 is granted by the City Council of the City of San Diego to G2F TALBCO, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 0.29-acre site is located at 3116 1/3 Falcon Street (temporary address) in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area, the Airport Environs Overlay Zone (AEOZ) and Airport Land Use Compatibility Plan (ALUCP) Noise Contours for the San Diego International Airport (SDIA), Airport Approach Overlay Zone (AAOZ) for SDIA, Airport Influence Areas (AIA) for SDIA, and the Federal Aviation Administration (FAA) Part 77 for the SDIA and North Island Naval Air Station (NAS). The project site is legally described as:

Parcel 1: Lot F, Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County together with that portion of the northerly half of Redwood Street adjoining said Lot F on the south. Also together with an undivided 1/9 interest in Lot J in said Block 368; and together with that portion of Goldfinch Street adjoining Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in Deed Book 13, Page 522, in the Office of the County Recorder of San Diego County;

Parcel 2: An easement for road and utility purposes over, under, along and across strip of land 24.00 feet in width lying within Lot C through J inclusive in Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County, together with that portion of the north half of Redwood Street adjoining said Block 368 on the south as vacated and closed to public use. The center line of said 24.00 foot strip being described as follows: Beginning at the intersection of the southerly prolongation of the easterly line of Lot F in said Block 368, with the southerly line of the north 40.00 feet of said Redwood Street; thence

northerly along said prolongation to and along the easterly lines of Lots F, E, D, and C, to the northeasterly corner of said Lot C. Also, beginning at a point of the westerly line of Lot H in said Block 368, distant thereon southerly 4.00 feet from the northwest corner thereof, said point of being the beginning of a tangent 90.00 foot radius curve, concave southeasterly; thence northerly and northeasterly along said curve, through a central angle of 90°, a distance of 141.37 feet, thence tangent to said curve, easterly 10.00 feet to the easterly line of Lot J in said Block 368. The easement herein described is hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portion of Parcel 1 above.

Parcel 3: An easement for sewer and water line purposes over, under, along and across the northerly 10.00 feet of Lot G, Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County. The easement herein described is hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portion of Parcel 1 above.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct two single family dwelling units on a vacant parcel of land, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated OCT. 07 2014, on file in the Development Services Department.

The project shall include:

- a. Construction of two single family dwelling units on a vacant parcel of land. Akin-Parcel 1 consists of a two-story, 3,157-square foot single family dwelling unit with a 1,251-square foot basement/two-car garage; Akin-Parcel 2 consists of a two-story, 3,570-square foot single family dwelling unit with a two-car garage, and a 418-square foot basement;
- b. Deviations as follows;
  - 1) *Minimum Lot Depth* - A deviation to SDMC Section 131.0430(b) and Table 131-04D to allow for a lot depth of 90.19-feet (Akin-Parcel 1) and 90.27-feet (Akin-Parcel 2), where the RS-1-7 Zone requires a minimum of 95-feet;
  - 2) *Street Frontage* - A deviation to SDMC Table 131-04D to allow for a 40-foot street frontage for Akin-Parcel 2 and no street frontage on Akin-Parcel 1, where the RS-1-7 Zone requires a minimum of 50-feet [access shall be provide from the existing 1/9 undivided ownership private road along the easterly property line]; in addition, a deviation to SDMC Section 144.0211(a) and (b) to allow no street frontage for Akin-Parcel 1;
  - 3) *Retaining Wall Heights* - A deviation to SDMC Section 142.0340(d) to allow for the retaining wall on the westerly property line of Akin-Parcel 2 to exceed the maximum permitted height by a maximum 3-feet for a length of 5-feet,

where the development regulations allows for a maximum 6-foot high retaining wall.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. A roof-mounted photovoltaic system for each single family dwelling unit consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the 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 OCT 07 2017.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

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

12. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION, NO. 352250, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION, NO. 352250, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

**AFFORDABLE HOUSING REQUIREMENTS:**

14. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**AIRPORT REQUIREMENTS:**

15. Prior to the issuance of any building permits, the Owner/Permittee shall grant an avigation easement to the San Diego County Regional Airport Authority as the operator of the San Diego International Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the avigation easement form provided by the San Diego County Regional Airport Authority.

16. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an avigation easement has been granted across the property to the airport operator. The note shall include the County Recorder's recording number for the avigation easement.

17. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No

Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

**ENGINEERING REQUIREMENTS:**

18. This Permit shall comply with all conditions of Tentative Parcel Map No. 1255887, satisfactory to the City Engineer.
19. The project proposes to export 1200 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
20. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a Letter of Permission from the adjacent property owner, for the proposed offsite grading, to the satisfaction of the City Engineer.
23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 12 ft wide driveway, adjacent to the site on Goldfinch Street, satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, that the non-utilized portions of the driveway shall be closed with current City Standard curb, gutter and sidewalk, adjacent to the site on Goldfinch Street, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct a current City Standard concrete sidewalk by joining the existing sidewalk and transitioning the sidewalk around the proposed driveway, adjacent to the site on Goldfinch Street, satisfactory to the City Engineer.
26. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct a current City Standard SDG-159 12 foot wide concrete driveway, adjacent to the site on Goldfinch Street, satisfactory to the City Engineer.

27. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct a Current City Standard SDG-159 16 foot wide concrete driveway, adjacent to the site on the private access drive, satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.
29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
30. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
31. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

#### **GEOLOGY REQUIREMENTS:**

32. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
33. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

#### **LANDSCAPE REQUIREMENTS:**

34. Prior to issuance of any construction permits for structures, 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 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

35. Landscape construction plans shall include Tree Protection Notes for the Pinus radiata to remain.

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

37. 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 a Final Landscape Inspection.

38. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

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

39. 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.

40. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system for each single family dwelling unit consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the City's Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

41. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### **TRANSPORTATION REQUIREMENTS**

42. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces on each parcel at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.



## **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

43. Prior to the expiration date of the building permit associated with this review, all public water and sewer facilities necessary to serve the buildings (including water services and sewer laterals) must be connected and operational in a manner satisfactory to the City Engineer and Public Utilities Director.

44. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain a building or misc/plumbing permit to install a private above ground backflow prevention device (BFPD) for each water service (domestic, fire, and/or irrigation) serving the property. BFPDs are typically located on private property, in-line with the service, and immediately adjacent to the Right-of-Way. The Public Utilities Department will not allow BFPDs to be located below grade or within a structure.

45. Prior to the issuance of any construction permit, the Owner/Permittee shall demonstrate to the satisfaction of the City Engineer and the Public Utilities Director that any proposed sewer lateral which crosses into another owner's lot has been authorized by that owner via a private easement or some other legally binding agreement.

46. Prior to the issuance of any building permit the following note must be added to the landscape plans. "No trees or shrubs exceeding three (3) feet in height at maturity shall exist within five (5) feet of any public water facilities, or within ten (10) feet of any public sewer facilities."

47. All proposed private water and sewer facilities must be designed and installed in accordance with the current California Plumbing Code and will be reviewed during the building plan check process.

48. All proposed public water and sewer facilities, including water services and sewer laterals, must be designed and constructed in accordance with the criteria as established in the most current version of the Public Utilities Department's Facility Design Guidelines, City regulations, City standards, and practices pertaining thereto.

49. Prior to the issuance of any construction permit, the Owner/Permittee shall ensure that all required EMRA's have been approved by the City and filed with the County Recorder. [Note: All proposed private sewer facilities located inside a public right-of-way (ROW) must be must be designed and constructed in accordance with the Public Utilities Department Facility Design Guidelines. These facilities are to be located on the Site Plan, the Tentative Map, and the construction drawing or D-sheet. In addition, they must be labeled "PRIVATE" and include a reference to their associated EMRA.]

## **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 City Council of the City of San Diego on OCT. 07 2014, and  
Resolution No. P- 309271.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Jeffrey A. Peterson  
Development Project Manager

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

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**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

G2F TALBCO, LLC,  
a California Limited Liability Company  
Owner/Permittee

By \_\_\_\_\_  
Jason Talbot  
Managing Member of G2F TALBCO, LLC

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

Passed by the Council of The City of San Diego on OCT 07 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 07 2014

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

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *May Semarany*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **309271**