

Item # 204
Nov 17th 2014
(R-2015-198)
Submitted

RESOLUTION NUMBER R- 309314
DATE OF FINAL PASSAGE NOV 17 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING PLANNED DEVELOPMENT
PERMIT NO. 1076705 FOR THE MARIAN CATHOLIC
RESIDENTIAL PROJECT, PROJECT NO. 307088 [MMRP].

WHEREAS, on December 27, 2012, MCP Ventures LLC, submitted an application to the Development Services Department for a General Plan and Otay Mesa-Nestor Community Plan Amendment No. 1076726, Rezone No. 1076704, Planned Development Permit No. 1076705, and Vesting Tentative Map No. 1076706, for the Marian Catholic Residential Project (Project); and

WHEREAS, the requested Planned Development Permit will affect the site located at 1002 18th Street in the City of San Diego, which property is legally described as Lots 5, 6, 13, 14, 21, 22, 29 and 30 of Aloha Tract Map No. 611, filed in the office of the County Recorder of San Diego on August 8, 1889; and

WHEREAS, the Project site is currently in the RS-1-7 Zone (proposed RM-1-2 Zone), and designated School (proposed Low-Medium Density Residential) in the Otay Mesa-Nestor Community Planning area; and

WHEREAS, Planned Development Permit would establish the land use, development regulations, and design guidelines for the Project site; and

WHEREAS, on October 9, 2014, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1076705, and pursuant to Resolution No. 4624-PC, voted to recommend to the City Council their approval; and

WHEREAS, on November 17, 2014, the City Council of the City of San Diego held a public hearing for the purpose of considering the Project, including the Planned Development Permit; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this Project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; 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 evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 1076705:

Planned Development Permit - Section 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The project proposes a General Plan and Community Plan Amendment to redesignate an approximately 18-acre site from School to Low-Medium Density Residential (10-15 du/net acre). The site is located at 1002 18th Street in the RS-1-7 Zone (Proposed RM-1-2 Zone) within the Otay Mesa-Nestor Community Planning area. The amendment would allow for the development of 175 residential units on a site that is currently developed with vacant school buildings which previously served as the location of the Marian Catholic High School.

The project proposes two product types identified as the "Homes" and "Commons" planning areas. Eighty-four detached, single-family residences are proposed within the Homes planning area which would be set on the largest lots ranging in size from 1,900 square feet to 2,300 square feet. Ninety-one detached, single family residences are proposed within the Commons planning area on lot sizes ranging from 1,500 square feet to 1,900 square feet. The Homes product type will have direct access from either a public street or a private driveway. The Commons residences will be typically located within a cluster of six units around a shared motor court (private driveway circulation easement). The project proposes to subdivide a parcel for the construction of 175 detached dwelling units with deviations to the lot standards, setback, private open space and ground floor habitable area regulations.

The City of San Diego's General Plan adopted in 2008 set forth a variety of goals and policies to implement the City of Villages Strategy. The project implements this vision by increasing the supply of residential lands in close proximity to commercial retail centers, community parks and existing public transportation infrastructure. The project would help implement the goals and policies of the General Plan by providing for two different detached residential-product types that occupy small lots in a compact, walkable environment.

The Otay Mesa-Nestor Community Plan recommends the maintenance of planned residential land use intensities to ensure conservation of neighborhood character. The character of the neighborhood surrounding the proposed project site is a mixture of single-family and multi-family dwelling units anchored by the South Bay/Eggers Community Park, the Coronado Square Commercial Center, churches, and both private and public schools. Land use designations surrounding the site include Low Density Residential (5-<10 du/net acre), Low-Medium Residential (10-<15 du/net acre), Medium Density Residential (15-<30 du/net acre), Park, and Neighborhood Commercial. The proposed project's density (10.5 du/net acre) would allow for residential development that is consistent with the character of the surrounding neighborhood and would not adversely affect the Community Plan goal of conserving neighborhood character. Therefore, the proposed development would not adversely affect the land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes a General Plan and Community Plan Amendment to redesignate an approximately 18-acre site from School to Low-Medium Density Residential (10-<15 du/net acre). The site is located at 1002 18th Street in the RS-1-7 Zone (Proposed RM-1-2 Zone). The amendment would allow for the development of 175 residential units on a site that is currently developed with vacant school buildings which previously served as the location of the Marian Catholic High School.

The proposed development will implement several public right-of-way improvements that will improve the traffic circulation in the immediate area and enhance the pedestrian experience. Conditions of approval require public improvements which will serve to facilitate traffic flow and enhance the pedestrian experience for the general public. Street dedications for Coronado Avenue, 18th Street and Thermal Avenue must be implemented to widen the rights of way, construct a new raised median and bike lane along Coronado Avenue, and construct sidewalk and new landscape improvements along the project frontage. Curb to property line improvements include a new five-foot, non-contiguous sidewalk on 18th Street and Thermal Avenue with new landscaped areas to include a variety of accent trees and shrubs. Existing contiguous sidewalks along the project frontage would be replaced with non-contiguous sidewalks per current standards including curb ramps with truncated domes. Two new City standard street lights are required on 18th Street, and five on Thermal Avenue. Existing street lights to remain will be upgraded to comply with current street light standards. Additionally, the following off-site street improvements are required:

- Widening, restriping and modification of a traffic signal at the intersection of Coronado Avenue and the I-5 North Bound Ramps/Outer Road to accommodate additional travel lanes (TR-1)

- Restriping and reconstruction of a raised median to accommodate an additional turn lane at the intersection of Palm Avenue and Saturn Boulevard (TR-2)
- Construction of a raised median along Coronado Avenue (TR-3)
- Restriping to provide a two-way left-turn lane within Coronado Avenue between 18th Street and Saturn Boulevard (TR-4)

The permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations. The conditions will assure the continued health, safety and general welfare of persons residing or working in the area, and will not be a detriment to the public health, safety and welfare.

3. **The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.** The project proposes a General Plan and Community Plan Amendment to redesignate an approximately 18-acre site from School to Low-Medium Density Residential (10-<15 du/net acre). The site is located at 1002 18th Street in the RS-1-7 Zone (Proposed RM-1-2 Zone) within the Otay Mesa-Nestor Community Planning area. The amendment would allow for the development of 175 residential units on a site that is currently developed with vacant school buildings which previously served as the location of the Marian Catholic High School.

The purpose and intent of the Planned Development Permit Ordinance (PDP) is to allow flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The PDP regulations are to accommodate, to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits.

In order to create a more desirable project, implement the goals of the RM-1-2 zone, and not adversely affect the General Plan and the Otay Mesa-Nestor Community Plan, the project incorporates deviations to certain development regulations. The proposed development will be governed by *Master Planned Development Permit - Marian Catholic Property dated October 2014* which establishes the land use and development regulations specifically adapted to the proposed development, including design guidelines and supplemental criteria for development. The project proposes two product types identified as the "Homes" and "Commons" planning areas. Eighty-four detached, single-family residences are proposed within the Homes planning

area which would be set on the largest lots ranging in size from 1,900 square feet to 2,300 square feet. Ninety-one detached, single family residences are proposed within the Commons planning area on lot sizes ranging from 1,500 square feet to 1,900 square feet. The Homes product type will have direct access from either a public street or a private driveway. The Commons residences will be located within a cluster of six units around a shared motor court (private driveway circulation easement). The project deviations are outlined in the table below (referenced footnotes are outlined in the Master PDP and not included below):

Zoning Regulations		Deviations from Base Zone RM 1-2		
		Perimeter Lots	Planning Areas	
		Thermal, Coronado, 18th St, Interior Property Lines	Homes	Commons
Description	RM 1-2	Proposed Regulation	Proposed Regulation	Proposed Regulation
DU/Lot				
Maximum permitted density (sf/du)	2500			
min lot area (sf)	6000			
Min Lot Dimensions				
Lot Width (ft)	50		45	40
Street Frontage (ft)	50	0	0	0
Lot Frontage (ft)			45	40
Lot Width (Corner) (ft)	55		45	40
Lot Depth (ft)	90		60	58
Proposed Setbacks				
Proposed 18th Street Minimum/Standard Setback (ft)	15/20	9/18 (2)		
Proposed Coronado Avenue Minimum (ft)		9 (2)		
Proposed Thermal Avenue Minimum/Standard Setback (ft)		9/18 (2)		
Proposed Interior Property Line Minimum Setback (ft)		6 (2)		
Setback Requirements				
Minimum Front Yard Setback (ft) (% of Overall Dimension)	15 (50%)		9 (50%) (3)	2 (3)
Standard Front Yard Setback (ft)	20		18 (3)	2 (3)
Minimum Side Yard Setback (ft)	5		0 (3)(4)	0 (3)(4)
Standard Side Yard Setback (ft)	8		3 (3)(4)	3 (3)(4)
Street Side Setback (ft)	10		5 (3)(4)	5 (3)(4)
Minimum Rear Yard Setback (ft)	15		9 (3)	5 (3)
Maximum Structure Height (ft)	30			
Maximum Lot Coverage (%)	-			
Maximum Floor Area Ratio (FAR)	0.9			
Street Frontage (ft)	50	0	0	0
Private Exterior Open Space Requirement				
Useable Private Exterior Open Space (sf)	60			
Minimum Dimension In Any Direction (ft)	6			
Minimum Rear/Front Yard Dimension From Property Line (ft)	9	6 (2)		5 (2)
Minimum Side Yard Dimension From Property Line (ft)	4			
Percentage Allowed To Encroach (%)	50%	100%		100%
PDP Requirements				
(PDP) Minimum Useable Open Space Required/DU (sf)	375			
(PFP) Minimum Total Open Space Required/DU (sf)	375			
Supplemental Requirements for RM 1-2				
Percentage of Ground Level Req'd Habitable for Lots <50' Wide (%)				30%

Percentage of Ground Level Req'd Habitable for Lots >50' Wide (%)	40%			
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Lot Standards (LDC 131.0431): The RM-1-2 zone requires a lot width, corner lot width and lot depth of 50 feet, 55 feet and 90 feet respectively and a lot area of 6,000 square feet for newly created lots. Sixty of the lots would not have frontage on a dedicated street. The project would deviate from these standards as noted above. All of the lots would have frontage on a private driveway which functions as a vehicular and pedestrian access. The provision of private driveways rather than a dedicated public street allows more flexibility in site design and, because of the reduced cross section, allows for more landscape and open space within the development. The deviation will allow for the development of a more compact and walkable community which will facilitate a variety of single-family detached housing types on smaller lots. This type of housing product is potentially more economical for a larger sector of the community, including entry-level home buyers.

Setback Deviations - (LDC 131.0431): The design guidelines are formulated to address the required building setbacks measured from either property lines, edge of a private driveway or motor court (private driveway circulation easement), where typically, setbacks are measured from property lines only. The project proposes reduced front and street side setbacks along the perimeter streets, Thermal Avenue, Coronado Avenue and 18th Street, with non-contiguous sidewalks, landscaped with a variety of street and accent trees and shrubs. The proposed setback along these street frontages when added to the width of the landscaped parkway and non-contiguous sidewalks, are commensurate with the development patterns of the existing adjacent residences. The proposed deviation will be compatible with the existing setback conditions of the adjacent residential developments. The proposed 0-foot interior side setback will allow larger courtyards and entrance patios between the homes. The reduced rear setback will allow for flexibility in lot layouts which will encourage private outdoor space.

Private Outdoor Space - (LDC 131.0455(d)): The LDC requires 60 square feet of usable, private exterior open space with a dimension of 6 feet in each direction, with an allowable encroachment into a setback of 50 percent. Each development will comply with the area and dimension requirement, but would encroach 100 percent. The deviation will allow the smaller lots to comply with the area and dimension requirements.

Ground Floor Habitable - (LDC 131.0464(d)): The supplemental regulations of the RM zones states that for lots with a width of 50 feet or less, 40 percent of the length of the building facade on the ground floor must enclose habitable area (not a garage or carport). The project proposes to enclose 30 percent of the building facade within the Commons Planning Area to allow for compact units that are arranged and oriented to the motor court driveway.

The requested deviations are consistent with the provisions of the purpose and intent of the Planned Development Permit Ordinance and result in a more desirable project than would be achieved with strict compliance with the lot standard, setback, private open space and the ground floor habitable area regulations. The project presents a balance of development types, project amenities and community benefits. The development will provide additional housing stock to the Otay Mesa-Nestor Community, excess open spaces areas (approximately 2.0 acres where only

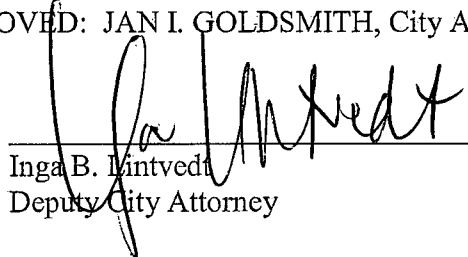
0.10 acres is required), and three private parks - a linear park, pocket park and neighborhood park.

The redevelopment of the currently vacant Marian Catholic High School site with a new residential development is in keeping with the character of the neighborhood which includes low scale, single-family homes, apartments and condominiums. The street design and lot layout facilitates extending Elder Avenue and Evergreen Avenue located to across Thermal Avenue to the west as private driveways through the proposed development. This provides a physical and visual pedestrian and vehicular connection to the surrounding developments that allows the project to be integrated into the community. Therefore, the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1076705 is hereby granted to MCP Ventures LLC, 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


Inga B. Mintvedt
Deputy City Attorney

IBL:mcm
10/29/2014
Or.Dept: DSD
Doc. No.: 881355

Attachment: Planned Development Permit No. 1076705

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: 24003475

PLANNED DEVELOPMENT PERMIT NO. 1076705
MARION CATHOLIC PROPERTY
PROJECT NO. 307088
MMRP
CITY COUNCIL

This Planned Development Permit No. 1076705 is granted by the City Council of the City of San Diego to MCP VENTURES LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 18.0 acre site is located at 1002 18th Street in the RS-1-7 Zone (Proposed RM-1-2 Zone) of the Otay Mesa-Nestor Community Plan. The project site is legally described as Lots 5, 6, 13, 14, 21, 22, 29 and 30 of Aloha Tract Map No. 611;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct 175 residential units on a site currently developed with a school use, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [**NOV 17 2014**], on file in the Development Services Department.

The project shall include:

- a. Construction of 175 residential units (existing school buildings would be demolished);
- b. Design guidelines as set forth in the Master Plan Development Permit entitled *Marian Catholic Property Master Plan Development Permit*, dated October 2014, and included in Exhibit "A";
- c. Deviations to the following development regulations as identified in *Marian Catholic Property Master Plan Development Permit*, dated October 2014;
 - i. Lot Depth

- ii. Lot Width
 - iii. Street Frontage
 - iv. Lot Area
 - v. Front Setback
 - vi. Interior Side Setback
 - vii. Street Side Yard Setback
 - viii. Rear Setback
 - ix. Private Exterior Open Space
 - x. Ground Floor Habitable Area
- d. Rescission of Conditional Use Permit Amendment No. 83-0604;
 - e. Landscaping (planting, irrigation and landscape related improvements);
 - f. Off-street parking;
 - g. 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 [NOV 17 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.

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".

12. This Planned Development Permit shall comply with the provisions of Vesting Tentative Map No. 1076706.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. 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.

14. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 307088, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 307088, 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: Traffic/Circulation and Air Quality.

AFFORDABLE HOUSING REQUIREMENTS:

16. 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.).

ENGINEERING REQUIREMENTS:

17. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveways, adjacent to the project site, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

18. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with City standard non-contiguous sidewalk, along the project frontage on 18th Street and Thermal Avenue, satisfactory to the City Engineer.

19. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of new City standard curb ramps with truncated domes, located at the northeast corner of Thermal Avenue and Coronado Avenue and at the northwest corner of 18th Street and Coronado Avenue, satisfactory to the City Engineer.
20. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of maximum 25-foot wide driveways at the private drive entrances on 18th Street and Thermal Avenue, satisfactory to the City Engineer.
21. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of maximum 16-foot wide driveways, serving the residential lots on 18th Street and Thermal Avenue, satisfactory to the City Engineer.
22. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two modified driveways on Coronado Avenue for emergency access only, satisfactory to the City Engineer.
23. Prior to the issuance of any building permit, the Owner/Permittee shall obtain a Holding the City Harmless Agreement from the City Engineer for the public drainage enters the private property, satisfactory to the City Engineer.
24. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drains and treatment control BMPs located within the City's right-of-way and public easement, satisfactory to the City Engineer.
25. 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.
26. 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 Municipal Code, into the construction plans or specifications.
27. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
28. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
29. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001, as amended by Municipal Stormwater Permit Order No. R9-2013-0001. In accordance with Order No. 2009-0009DWQ, 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.

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

TRANSPORTATION REQUIREMENTS:

31. A minimum of 532 automobile spaces (including accessible, motorcycle and bicycle parking as necessary) shall be provided as required by the Land Development Code. 534 automobile spaces will be provided per 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.

32. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening, and improvement of 18th Street, along the project frontage to include a new five-foot non-contiguous sidewalk, within a 12 foot curb to property line distance, satisfactory to the City Engineer.

33. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening, and improvement of Thermal Avenue, along the project frontage to include a new five-foot non-contiguous sidewalk, within a 12 foot curb to property line distance, satisfactory to the City Engineer.

34. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening of Coronado Avenue to include a 60 foot center line to property line distance, and improvement of Coronado Avenue, along the project frontage to include a new 14 foot raised median, new six foot bike lane, new six foot non-contiguous sidewalk within a 20.3 foot curb to property line distance.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of public improvement plans, landscape construction plans consistent with this development permit shall be submitted for approval. Improvement plans shall take into account a 40 sq-ft area around each required tree which is unencumbered by utilities.

36. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. In the event that the Landscape Plan and the Public Improvement Plan conflict, the Public Improvement Plan shall be revised to be consistent with the Landscape Development Plan in Exhibit "A".

37. Prior to building permit issuance, landscape and irrigation plans substantially conforming to the Landscape Development Plan in Exhibit "A" shall be submitted to the Development Services Department for approval.

38. Any existing landscape to remain, as indicated on the approved plans, that is damaged during construction shall be replaced in kind to the satisfaction of the Development Services Department within 30 days of damage or final inspection.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

39. Prior to the issuance of the first building permits, the Developer shall assure, by permit and bond, the design and construction of all public sewer facilities are to be in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

40. Prior to the issuance of the first building permits, the Developer shall assure, by permit and bond, the replacement of the existing 8-inch (7-in lined) sewer main in Thermal Avenue from manhole 26 to manhole 28 of the sewer study (168 to 166 in SPLASH). The private sewer lateral connection will not require a manhole.

41. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

42. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

43. Prior to the issuance of the first building permits, the Developer shall provide a recorded Encroachment Maintenance and Removal Agreement (EMRA) for the proposed private sewer lateral(s) encroaching into Public Right-of-Way.

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 [**R- 309314**].

NOV 17 2014] and

Permit Type/PTS Approval No.: PDP 1076705

Date of Approval: **NOV 17 2014**

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

MIKE WESTLAKE
Assistant Deputy Director

**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.

[MCP VENTURES, LLC]
Owner/Permittee

By _____
MAX STEWART
MANAGER

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

Passed by the Council of The City of San Diego on NOV 17 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 NOV 17 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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309314