

RESOLUTION NUMBER R- 310350

DATE OF FINAL PASSAGE APR 11 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO.
1283307 FOR MISSION BEACH RESIDENCES - PROJECT
NO. 366139.

WHEREAS, MB9 OWNER, LLC, a Delaware Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a Site Development Permit, for the demolition of existing educational structures and the construction of 51 residential condominium units and associated site improvements, on a 1.88 acre parcel of land known as the Mission Beach Residences project (Project); and

WHEREAS, the project site is located at 818 Santa Barbara Place in the R-S Zone of the Mission Beach Planned District within the Mission Beach Precise Plan and Local Coastal Program Area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone; and

WHEREAS, the property is legally described as: Parcel 2: Lots A thru O, inclusive in Block 112 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914; and Parcel 3: Lots A thru L, inclusive in Block 115 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914; together with said portion of the alley and street hereby closed and described by an unrecorded resolution ordering work No. 75861; and

WHEREAS, on January 21, 2016, the Planning Commission of the City of San Diego considered Site Development Permit No. 1283307, and pursuant to Resolution No. PC-4754 voted to recommend approval; 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 April 11, 2016, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after the City Council approved Coastal Development Permit No. 1283306 on April 11, 2016, the permit was appealed to the California Coastal Commission. The California Coastal Commission thus assumed jurisdiction over the Mission Beach Residences project as permitting authority and all references to Coastal Development Permit No. 1283306 are null and void; and

WHEREAS, the California Coastal Commission approved Coastal Development Permit No. A-6-MBE-16-0048 on October 12, 2017 with conditions. Special Condition 5 states that the California Coastal Commission's action has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act that are not in conflict with the terms and conditions of the Coastal Development Permit No. A-6-MBE-16-0048. As a result, the City of San Diego, Development Services Department has determined that, subject to minor modifications, such as reducing the number of units to 47 and increasing the park acreage to a

total of 0.32 acres, Site Development Permit No. 1283307 remains in full force and effect;

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 No. 1283307:

SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The project site is located at 818 Santa Barbara Place in the R-S Zone of the MBPD within the MBPP and LCP area, the CHLOZ, and the Coastal Overlay Zone (Appealable Area). The R-S zoning designation allows for single family dwelling units, duplexes (two dwelling units in a single structure) and multiple dwelling units (restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots). The community plan designates the proposed project site for ‘School’ use. The project includes a GPA, CPA and LCPA to redesignate the site from ‘Institutional & Public and Semi-Public Facilities’ in the General Plan to ‘Residential’ and from ‘School’ in the MBPP to ‘Residential’ use at 36 du/ac. The project site, occupying 1.88 acre, could accommodate 51 dwelling units based on the new community plan designation and the underlying zone.

The project proposes the demolition of the existing educational buildings on site and to construct a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom, and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane.

The MBPP includes the following general recommendations for new residential development within the community planning area in order to retain its overall character: density limitation of 36 du/ac; yards/setbacks that are increased for structures over two stories; a FAR of about 1.0, with variations up to 1.2; a height limit of 30 feet; and a requirement that 20 percent of the lot area within residential development should be landscaped. These design recommendations were further refined and implemented in the form of the MBPDO. The MBPDO provides for more specific design measures based on the MBPP. For example, the MBPDO specifies a maximum FAR of 1.1, maximum lot coverage of 65 percent, and a building height restriction of 30 feet above grade (which is in accordance with the CHLOZ).

The character of Mission Beach is defined and maintained by the regulations of the MBPDO, which govern setbacks, density, bulk, and other development characteristics. Many different lot sizes can be found throughout Mission Beach, but all properties are regulated by the MBPDO, including the proposed projects. Lot sizes of 30 feet by 80 feet are the minimum dimensions required by the MBPDO, and there are no restrictions prohibiting larger lots. Larger lots currently exist throughout Mission Beach, and the MBPDO does not define any areas within Mission Beach where lots exceeding 30 feet by 80 feet are specifically prohibited. The MBPDO limits structures to a total of 5,280 square feet of floor area.

The proposed residential development has been designed to be a cohesive development that is compatible in scale and character and enhances the existing community character in the MBPP area, in compliance with MBPDO standards. Therefore, with the adoption of the GPA, CPA and LCPA, the proposed development would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 1.88 acre project site is located at 818 Santa Barbara Place. The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom, and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane.

A MEIR No. 366139/SCH No. 2014081097 has been prepared for the project in accordance with CEQA guidelines. The project was found to have potentially significant impacts to Noise, Health and Safety, Historical Resources (Archaeology), Transportation/Circulation and Parking (Combined Project), and Land Use (Combined Project). A MMRP would be implemented with this project. However, construction noise was the only topic identified as being significant and unavoidable for each project individually and combined. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision maker to adopt the project with significant and unmitigated direct impacts related to Noise (Construction) and MMRP is a condition of the approval.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC 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 Coastal Development Permit No. 1283306 and Site Development Permit No. 11283307, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building, Electrical,

Mechanical, Plumbing and Fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. 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 1.88 acre project site is located at 818 Santa Barbara Place. The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom, and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane.

The MBPP includes the following general recommendations for new residential development within the community planning area in order to retain its overall character: density limitation of 36 du/ac; yards/setbacks that are increased for structures over two stories; a FAR of about 1.0, with variations up to 1.2; a height limit of 30 feet; and a requirement that 20 percent of the lot area within residential development should be landscaped. These design recommendations were further refined and implemented in the form of the MBPDO. The MBPDO provides for more specific design measures based on the MBPP. For example, the MBPDO specifies a maximum FAR of 1.1, maximum lot coverage of 65 percent, and a building height restriction of 30 feet above grade (which is in accordance with the CHLOZ).

The character of Mission Beach is defined and maintained by the regulations of the MBPDO, which govern setbacks, density, bulk, and other development characteristics. Many different lot sizes can be found throughout Mission Beach, but all properties are regulated by the MBPDO, including the proposed projects. Lot sizes of 30 feet by 80 feet are the minimum dimensions required by the MBPDO, and there are no restrictions prohibiting larger lots. Larger lots currently exist throughout Mission Beach, and the MBPDO does not define any areas within Mission Beach where lots exceeding 30 feet by 80 feet are specifically prohibited. The MBPDO limits structures to a total of 5,280 square feet of floor area.

The project includes a request for deviations to the development regulations for street frontage and visibility triangle area. The following are the code sections and justification for the deviations:

Street Frontage: A deviation from SDMC Section 1513.0304 for no street frontage proposed for lots 7 through 15 (this section requires 30 feet of street frontage in the MBPD-R-S Zone). Since the project includes a Vesting Tentative Map (VTM), the lack of street frontage for lots 7 through 15 also results in a deviation to SDMC 144.0211(a), which requires that each lot have frontage on a street that is open to and usable by vehicular traffic. The existing public right-of ways were vacated in 1938 and 1941, and the portion of the land within the alleys and court

were reverted to the adjacent lots starting from the centerline of the former alleys and court. The proposed lots would front a private driveway with a public access easement that would be recorded over the private driveways as a condition of the VTM No. 1283305. Therefore, the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. The proposed private driveways would be privately owned and would be maintained by the development's Home Owner's Association (HOA) in order to provide enhanced improvements and maintenance.

Street Frontage: A deviation from SDMC Section 1513.0304 for street frontage is proposed for lot 6. The required frontage is 30 feet where 25.04 feet would be provided. The lot is an irregular shaped end-lot occurring where Bayside Lane cuts diagonally through the regular street grid. The lot does not have the required 30 feet of frontage due to the unique geometry, but it has an average lot width of 45 feet and lot area greater than the required minimum within the MBPDO.

Visibility Triangle Area: A deviation from the SDMC Section 113.0273(d) to allow for no visibility triangle area along the property line on both sides of the private driveways that intersects with Bayside Lane, where the regulation requires 20 feet by 20 feet visibility triangle areas. The adjacent lots are irregular shaped end-lots occurring where Bayside Lane cuts diagonally through the regular street grid. The project will provide two stop signs facing northbound traffic on Bayside Lane, one at the southern private drive and one at the northern private drive to enhance safety for these two private drives at Bayside Lane.

In summary, the proposed residential development is consistent with the purpose and intent of the regulations of the underlying zone in that each of the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. In addition, because of the existing irregular shaped end-lots occurring where Bayside Lane cuts diagonally through the regular street grid, the proposed stop signs would assure safety at these intersections. For all of these reasons, including the justifications listed above, the deviations are appropriate and necessary, and will result in a more desirable project that would be achieved if designed in strict conformance with the applicable development regulations. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code (LDC), including any allowable deviations pursuant to the LDC.

B. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings.

1. 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 1.88 acre project site is located at 818 Santa Barbara Place. The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single

family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom, and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces and an approximately 0.201-acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane. The project incorporates a roof-mounted photovoltaic system 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. In addition, the project would contain sustainable building design measures to meet a LEED Silver certification and incorporates many sustainable features in accordance with the City's General Plan Conservation Element. 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) to generate electricity needed by the buildings and its occupants.

2. The development will not be inconsistent with the purpose of the underlying zone. The project site is located at 818 Santa Barbara Place in the R-S Zone of the MBPD within the MBPP and LCP area, the CHLOZ, and the Coastal Overlay Zone (Appealable Area). The R-S zoning designation allows for single family dwelling units, duplexes (two dwelling units in a single structure) and multiple dwelling units (restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots). The community plan designates the proposed project site for 'School' use. The project includes a GPA, CPA and LCPA to redesignate the site from 'Institutional & Public and Semi-Public Facilities' in the General Plan to 'Residential' and from 'School' in the MBPP to 'Residential' use at 36 du/ac. The project site, occupying 1.88 acre, could accommodate 51 dwelling units based on the new community plan designation and the underlying zone. The LCPA further clarifies the objectives of the MBPP, and reflects the more detailed objectives and implementation guidelines already outlined from the San Diego LCP Regulations, adopted by the Coastal Commission on May 17, 1981.

The project proposes the demolition of the existing educational buildings on site and to construct a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom, and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane.

The MBPP includes the following general recommendations for new residential development within the community planning area in order to retain its overall character: density

limitation of 36 du/ac; yards/setbacks that are increased for structures over two stories; a FAR of about 1.0, with variations up to 1.2; a height limit of 30 feet; and a requirement that 20 percent of the lot area within residential development should be landscaped. These design recommendations were further refined and implemented in the form of the MBPDO. The MBPDO provides for more specific design measures based on the MBPP. For example, the MBPDO specifies a maximum FAR of 1.1, maximum lot coverage of 65 percent, and a building height restriction of 30 feet above grade (which is in accordance with the CHLOZ).

The character of Mission Beach is defined and maintained by the regulations of the MBPDO, which govern setbacks, density, bulk, and other development characteristics. Many different lot sizes can be found throughout Mission Beach, but all properties are regulated by the MBPDO, including the proposed projects. Lot sizes of 30 feet by 80 feet are the minimum dimensions required by the MBPDO, and there are no restrictions prohibiting larger lots. Larger lots currently exist throughout Mission Beach, and the MBPDO does not define any areas within Mission Beach where lots exceeding 30 feet by 80 feet are specifically prohibited. The MBPDO limits structures to a total of 5,280 square feet of floor area.

The proposed residential development has been designed to be a cohesive development that is compatible in scale and character and enhances the existing community character in the MBPP area, in compliance with MBPDO standards. Therefore, the development will not be inconsistent with the purpose of the underlying zone.

3. 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 1.88 acre project site is located at 818 Santa Barbara Place. The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom, and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane.

The MBPP includes the following general recommendations for new residential development within the community planning area in order to retain its overall character: density limitation of 36 du/ac; yards/setbacks that are increased for structures over two stories; a FAR of about 1.0, with variations up to 1.2; a height limit of 30 feet; and a requirement that 20 percent of the lot area within residential development should be landscaped. These design recommendations were further refined and implemented in the form of the MBPDO. The MBPDO provides for more specific design measures based on the MBPP. For example, the MBPDO specifies a maximum FAR of 1.1, maximum lot coverage of 65 percent, and a building height restriction of 30 feet above grade (which is in accordance with the CHLOZ).

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The project includes a request for deviations to the development regulations for street frontage and visibility triangle area. The following are the code sections and justification for the deviations:

Street Frontage: A deviation from SDMC Section 1513.0304 for no street frontage proposed for lots 7 through 15 (this section requires 30 feet of street frontage in the MBPD-R-S Zone). Since the project includes a VTM, the lack of street frontage for lots 7 through 15 also results in a deviation to SDMC 144.0211(a), which requires that each lot have frontage on a street that is open to and usable by vehicular traffic. The existing public right-of ways were vacated in 1938 and 1941, and the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court. The proposed lots would front a private driveway with a public access easement that would be recorded over the private driveways as a condition of the VTM No. 1283305. Therefore, the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. The proposed private driveways would be privately owned and would be maintained by the development's HOA in order to provide enhanced improvements and maintenance.

Street Frontage: A deviation from SDMC Section 1513.0304 for street frontage is proposed for lot 6. The required frontage is 30 feet where 25.04 feet would be provided. The lot is an irregular shaped end-lot occurring where Bayside Lane cuts diagonally through the regular street grid. The lot does not have the required 30 feet of frontage due to the unique geometry, but it has an average lot width of 45 feet and lot area greater than the required minimum within the MBPDO.

Visibility Triangle Area: A deviation from the SDMC Section 113.0273(d) to allow for no visibility triangle area along the property line on both sides of the private driveways that intersects with Bayside Lane, where the regulation requires 20 feet by 20 feet visibility triangle areas. The adjacent lots are irregular shaped end-lots occurring where Bayside Lane cuts diagonally through the regular street grid. The project will provide two stop signs facing northbound traffic on Bayside Lane, one at the southern private drive and one at the northern private drive to enhance safety for these two private drives at Bayside Lane.

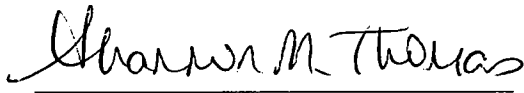
In summary, the proposed residential development is consistent with the purpose and intent of the regulations of the underlying zone in that each of the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. In addition, because of the existing irregular shaped

end-lots occurring where Bayside Lane cuts diagonally through the regular street grid, the proposed stop signs would assure safety at these intersections. For all of these reasons, including the justifications listed above, the deviations are appropriate and necessary, and will result in a more desirable project that would be achieved if designed in strict conformance with the applicable development regulations.

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 No. 1283307 is granted to MB9 OWNER, LLC, a Delaware 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 
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/04/2016
02/08/2018 Rev. Copy
Or.Dept:DSD
Doc. No.: 1220737_2

Attachment: Site Development Permit No. 1283307

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: 24004586

SITE DEVELOPMENT PERMIT NO. 1283307
MISSION BEACH RESIDENCES - PROJECT NO. 366139 [MMRP]
CITY COUNCIL

NOTE: After the City Council approved Coastal Development Permit No. 1283306 on April 11, 2016, the permit was appealed to the California Coastal Commission. The California Coastal Commission thus assumed jurisdiction over the Mission Beach Residences project as permitting authority and all references to Coastal Development Permit No. 1283306 are null and void.

NOTE: The California Coastal Commission approved Coastal Development Permit No. A-6-MBE-16-0048 on October 12, 2017 with conditions. Special Condition 5 states that the California Coastal Commission's action has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act that are not in conflict with the terms and conditions of the Coastal Development Permit No. A-6-MBE-16-0048. As a result, the City of San Diego, Development Services Department has determined that, subject to minor modifications, such as reducing the number of units to 47 and increasing the park acreage to a total of 0.32 acres, Site Development Permit No. 1283307 remains in full force and effect.

This Site Development Permit No. 1283307 is granted by the City Council of the City of San Diego to MB9 OWNER, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0504. The 1.88 acre site is located at 818 Santa Barbara Place in the R-S Zone of the Mission Beach Planned District within the Mission Beach Precise Plan and Local Coastal Program Area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project site is legally described as: Parcel 2: Lots A thru O, inclusive in Block 112 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914; and Parcel 3: Lots A thru L, inclusive in Block 115 of

Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914; together with said portion of the alley and street hereby closed and described by an unrecorded resolution ordering work No. 75861;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing educational structures on site and to construct 47 residential condominium units and associated improvements; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 12, 2017, on file in the Development Services Department.

The project shall include:

- a. Demolition of existing educational structures and the construction of a total of 15 buildings comprised of a single family dwelling unit, 1 duplex, 8 triplexes, and 5 fourplexes. There are a total of 47 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 8 two-bedroom and 38 three-bedroom units. The project includes 94 on-grade enclosed garage tandem parking spaces;
- b. An approximately 0.32-acre pocket park;
- c. Deviations as follows:
 1. Deviation from San Diego Municipal Code (SDMC) Section 1513.0304 for reduced street frontage proposed for lots 6, 13 and 14 (this section requires 30 feet of street frontage in the MBPD-R-S Zone). Lots 7 through 15 also require a deviation to SDMC 144.0211(a), which requires that each lot have frontage on a street that is open to and usable by vehicular traffic;
 2. Deviation from SDMC Section 113.0273 to allow for no visibility triangle area along the property line on both sides of the private driveways that intersects with Bayside Lane, where the regulation requires 20 feet by 20 feet visibility triangle areas;
- d. A roof-mounted photovoltaic system 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. In addition, the project would contain sustainable building design measures to meet a Leadership in Energy and Environmental Design (LEED) Silver certification;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking; and

- 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 **October 12, 2020**.
2. This Site Development Permit shall become effective only after the California Coastal Commission certifies an amendment to the Local Coastal Program required by this project.
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.

9. 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.

10. 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.

11. 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:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Master Environmental Impact Report (MEIR) No. 366139/SCH No. 2014081097, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Master Environmental Impact Report (MEIR) No. 366139/SCH No. 2014081097, 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:

- Noise
- Health and Safety
- Historical Resources (Archaeology)
- Transportation/Circulation and Parking (Combined Project)
- Land Use (Combined Project)

AFFORDABLE HOUSING REQUIREMENTS:

15. 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.).

GEOLOGY REQUIREMENTS:

16. Prior to the issuance of any construction permit, 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 Development Services Department.

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, along the project frontage on Mission Boulevard, satisfactory to the City Engineer.

18. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with the same scoring pattern as the City standard sidewalk, along the project frontage on Mission Boulevard, satisfactory to the City Engineer.

19. Prior to the issuance of any building permit, the Owner/Permittee shall assure by

permit and bond the closure of the existing driveway, on Mission Boulevard, and the construction of two 20-foot wide City standard driveways on Mission Boulevard, 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 City standard bus slab, adjacent to the existing bus stop on Mission Boulevard, satisfactory to the City Engineer.

21. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramp located on the north side of Santa Barbara Place adjacent to the project site with City standard curb ramp with truncated domes, satisfactory to the City Engineer.

22. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of Santa Barbara Place with full width concrete pavement, along the entire project frontage, satisfactory to the City Engineer.

23. 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.

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

25. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement from City Engineer for proposed 6 inch curb and landscaping on Kennebeck Court and proposed permeable pavers on Jersey Court.

26. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

27. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

28. 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 requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

29. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, 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.

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.

PARK & REC REQUIREMENTS:

31. The Owner/Permittee shall provide for population-based parks as identified in the City of San Diego General Plan. The project will provide 0.32 useable acres of population-based park (Park) within the Mission Beach Community. The project will provide the Park within the project boundaries in lieu of paying the park component of the Mission Beach Development Impact Fees.

32. The Owner/Permittee shall have an approved General Development Plan (GDP) for design of the Park in conformance with Council Policy 600-33 (Community Notification and Input for City-Wide Park Development Projects) prior to Park construction.

33. Prior to the Certificate of Occupancy being issued for the final residential unit, or as identified in the Park Development Agreement required pursuant to the VTM, whichever comes first, the Owner/Permittee shall enter into a Park Maintenance Agreement satisfactory to the Director of the Park & Rec. Department and construct the on-site Park.

34. The Owner/Permittee, or Subsequent Owner, shall be responsible for the maintenance of the Park consistent with the approved Park Maintenance Agreement required pursuant to the VTM.

35. The Owner/Permittee shall ensure that any Substantial Conformance Review (SCR) be reviewed by the Park Planning Section of the Planning Department for consistency with the approved Permit Conditions.

LANDSCAPE REQUIREMENTS:

36. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

37. Prior to issuance of any engineering permits for 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 show, label, and dimension a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

38. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards 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 provide a 40 square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).

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

40. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

41. 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.

42. 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, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

43. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption.

44. Prior to issuance of building permits, the construction documents shall note all criteria included in the design and construction of the project to meet a Leadership in Energy and Environmental Design (LEED) Silver Certification.

45. 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.

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

47. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

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

TRANSPORTATION REQUIREMENTS:

49. The Owner/Permittee shall maintain a minimum of 94 automobile spaces off-street parking spaces (two-tandem garaged parking spaces per unit) permanently maintained on the property within the approximate location shown on 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 authorized by the appropriate City decision maker in accordance with the SDMC.

50. The Owner/Permittee applicant shall coordinate with the proposed project Santa Barbara Residences, Project No. 361595, to replace the existing pavement on Santa Barbara Place along the project's frontage.

51. Prior to the issuance of any construction permit, the construction documents shall fully illustrate a 25 foot x 25 foot visibility triangle area along the property line at the northeast corner of Mission Boulevard and Santa Barbara Place. No obstacles higher than 36 inches shall be located within this visibility area (e.g. landscape, walls, columns, signs etc.). These areas should be shown on both the site plan and landscape plan.

52. Prior to the issuance of any construction permit, the construction documents shall fully illustrate a 25 foot x 25 foot visibility triangle area along the property line at the northwest corner of Bayside Lane and Santa Barbara Place. No obstacles higher than 36 inches shall be located within this visibility area (e.g. landscape, walls, columns, signs etc.). These areas should be shown on both the site plan and landscape plan.

53. Prior to the issuance of any construction permit, the construction documents shall fully illustrate a 15 foot x 15 foot visibility triangle area along the property line at the southwest corner of Bayside Lane and Kennebeck Court. No obstacles higher than 36 inches shall be located within this visibility area (e.g. landscape, walls, columns, signs etc.). These areas should be shown on both the site plan and landscape plan.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

54. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new public water and sewer service(s) outside of any driveway, and abandonment of the existing unused water and sewer service adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

55. Prior to the issuance of any building permits, 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.

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

57. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities sufficient to support the subject units shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

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

INFORMATION ONLY:

- 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 APR 11 2016, by Resolution No. R-310350.

Permit Type/PTS Approval No.: SDP No. 1283307

Date of Approval: APR 11 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

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

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

**MB9 OWNER, LLC, a Delaware Limited
Liability 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 APR 11 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input checked="" 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"/>
Chris Cate	<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 APR 11 2016

(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.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By  Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **310350**