

RESOLUTION NUMBER R- 311055

DATE OF FINAL PASSAGE APR 18 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SITE DEVELOPMENT PERMIT NO. 1361903 FOR 3503 – 3517 INDIANA STREET- PROJECT NO. 388089.

WHEREAS, Idea Enterprise, LP, a California Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit to demolish two existing single-family residential units and construct seven new multi-family detached residential units consisting of six, three bedroom, two-story dwelling units with a gross floor area of approximately 2,510 square feet each and one, one bedroom, two-story dwelling unit with a gross floor area of approximately 1,816 square feet and known as the 3503 – 3517 Indiana Street project (Project), located at 3503 – 3517 Indiana Street, and legally described as Lots 22 through 27 in Block 251 of University Heights, in the City of San Diego, County of San Diego, State of California, according to the amended Map thereof made by G.A. D’Hemecourt in Book 8 E.T. Seq. of Lis Pendens, in the Office of the County Recorder of San Diego County, in the Greater North Park Community Plan area, in the MR-1000 Zone of the Mid-City Communities Planned District Ordinance (MCCPDO), the Airport Influence Area, the FAA Notification Area, the Transit Area, and the Fire Brush Management Overlay Zones; and

WHEREAS, on January 19, 2017, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) Permit No. 1361903, and pursuant to Resolution No. 4830-PC voted to recommend City Council approval of the Permit; and

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

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on April 18, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 1361903:

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

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The Greater North Park Community Plan designates the 0.52-acre project site Medium-High Residential 30-45 dwelling units per acre. Based on the proposed project site area, 16 to 23 dwelling units would be allowed. According to General Plan Policy LU-C.4., new development is required to meet the density minimums of the applicable plan designation in order to ensure efficient use of remaining land available for residential development. However, due to the existing site development constraints with a heavily vegetated urban canyon and environmentally sensitive steep hillsides on the premises, a lower density of seven units at this site represents a more sensitive approach to this unique area and Policy LU-C.4 can be supported for the proposed density related to canyon and hillside preservation in the community.

The proposed Project will meet several policies of the Urban Design Element of the Greater North Park Community Plan by incorporating horizontal and vertical offsets, surface articulation, and other architectural features such as balconies, varying window arrangements, textures, and building materials to break up the perceived bulk and scale of the structure. In order to address guidelines for enhancing the public streetscape and pedestrian environment, street tree plantings associated with the Project will consist of jacarandas and evergreen theme trees for a combined total of ten along Indiana Street where there are currently only three street trees along the western side of the site. Although the Project is not located within community plan designated open space, the proposed Project utilizes the existing topography of the site by utilizing a combined bench and stilt building construction, minimizing grading and clustering development in order to preserve the steeper portions of the site to the south as open space.

The proposed Project will include several project features that will meet recommendations found in the Conservation Elements of the community plan and the General Plan related to sustainable development and compliance with the Climate Action Plan. The Project will meet the recommendation of employing sustainable or green building techniques that will achieve greater energy efficiency and employ self-generation of energy using renewable technology by incorporating a rooftop photo-voltaic system which is intended to provide a minimum 15% improvement in performance standard when compared to Title 24; provide green/cool roof materials with a minimum 3-year aged solar reflection and thermal emittance or high solar reflection index; low-flow fixtures/appliances will be provided; and Electric Vehicle Charging Station (EVCS) will be provided in the enclosed private garage of each detached dwelling unit.

Several deviations are requested as part of the development proposal related to overall building height, yard setbacks, architectural features, and retaining wall height at the front property line. The North Park Community Plan does not provide specific recommendations regarding these particular development requirements. However, despite these deviations and as proposed, the Project will be consistent with the policies of the North Park Community Plan, as well as with applicable Conservation Element policies contained in the General Plan, and therefore will not adversely impact the applicable land use plans.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed Project has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The Project is consistent with the Greater North Park Community Plan, the City's environmental regulations, landscaping and brush management requirements, the fire protection policies, water and sewer study recommendations, and the City's affordable housing policies and regulations. The Project is also located in Fire Buffer Zone (300'). The proposed project proposes alternative compliance for Brush Management by eliminating Zone 1 and incorporating the seven detached dwellings, decks, and other flammable building materials with resistivity levels that comply with protective fire ratings and regulations. In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with all applicable construction codes to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare.

The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the 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 the City 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. These requirements will assure the continued health, safety and general welfare of persons residing or

working in the area. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to overall building height, yard setbacks, architectural features, and retaining wall height at the front property line. More specifically, the Project requires the approval of eight deviations from the development regulations of the MR-1000 Zone of the Mid-Cities Community Planned District. These deviations are as follows:

- The Project has detached dwelling units that are separated by a minimum of 3 feet where detached dwellings are required to maintain a minimum distance of 6 feet between dwellings located on the same property.

The Project functions as a multi-family dwelling, which may share walls, in that it houses several residences within a unified parcel. It also functions in several manners similar to the City's small lot residential development regulations in which detached dwellings on separated parcels are permitted to not have setbacks between the subdivided lots, so long as the primary parcel complies with setbacks.

- The Project has a side setback of 2 feet from the north property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side setback of 6 feet from the north property line at the third story where a side setback of 9 feet is required at the third story.

- The project has a side setback of 2 feet from the south property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side setback of 6 feet from the south property line at the third story where a side setback of 9 feet is required at the third story.

Both of the above deviations relate to the Project utilizing building structure intended to be harmonious to the neighborhood's predominately existing single-family unit structures. In addition, the density and scale of the proposed development strikes a balance between the permissible Medium-High Residential development and the existing dense vegetation of the canyon south-east of the site. By providing small, private walk up stairways to the proposed units, the Project balances the mood of single-family residences surrounding it, with reduced setbacks to allow for the development of wider residential structures with the average width of 21'-6" for each unit, including stair entries.

- The project has a maximum structure height of 53 feet and the building is not above enclosed parking where the maximum structure height allowed where the building is not above enclosed parking is 40 feet.

- Dwelling #1= 53 feet;

- Dwelling #2 = 50 feet;
 - Dwelling #3 = 48 feet;
 - Dwelling #4 = 47.5 feet;
 - Dwelling #5 = 47 feet;
 - Dwelling #6 = 49.5 feet; and
 - Dwelling #7 = 45 feet
- The project has a maximum Overall Structure Height of 62.5 feet where the maximum Overall Structure Height allowed is 60 feet.
 - Dwelling #1 has an Overall Structure Height of 62.5 feet above the lowest point within 5 feet of the structure;
 - Dwelling #3 has an Overall Structure Height of 62 feet above the lowest point within 5 feet of the structure; and
 - Dwelling #4 has an Overall Structure Height of 61 feet above the lowest point within 5 feet of the structure.

Both of the height deviations are directly related to the existing topography on the site. The Project site's topography is comprised of nearly 80% of steep hillside slopes with grades ranging from 253.5 feet to 300.2 feet. This 47 foot change in topography has created the development design for the units to establish the building massing by vertically stacking three floor levels (two above street level and one below basement) with minimal setback from the street and elevated on stilts to the rear on each unit. The development layout of separated, low-lying buildings, benefits the surrounding neighborhood by minimizing the impact to the natural topography of the site and maximizing on-site open spaces as well as maintaining several significant trees on the site. Due to these constraints, the proposed design provides a uniquely different product of seven detached dwellings, elevated above the terrain and cushioned within the existing vegetation of the existing urban canyon.

- The project provides only 4 of the 5 architectural features as required by SDMC Sec. 1512.0304. Not all the windows facing the street will have awnings where this feature requires all windows facing the street to have awnings.

The Project's design impact is maximized when architectural features work together. The Project's Unit 6, the development's only one-bedroom unit, is designed to read as a separate object, and though the materials and style remain "contemporary," the Project and Unit 6's abutting units are improved by the removal of the transom window and associated awning.

- The project does not provide the minimum transparency on the first story of the facade facing the street as required by SDMC section 1512.0312(b)(3), (4).

Three of the seven residential unit's garage doors fronting Indiana Street are fully glazed. The remainders are of a varied character to improve the neighborhood, through the removal of repetition. The glazed and unglazed windows will read similarly, but to require transparency on the entirety of these residences would create a monotonous dwelling type when repeated seven times. The physical separations between each detached structure also acts a layer of transparency

to the development as a whole, further allowing public glimpse views through the green-scape canyon beyond and therefore, increasing the transparency of the development as a whole.

- The project provides a 4-foot solid wall at the front property line (perpendicular to it) where a maximum 3-foot high solid wall is allowed at the front property line.

Due to the steep terrain of the hillside and for the health, safety, and welfare of the unit's residents and public, a wall set at unit entry guardrail height has been added at the front of the property line along Units 1, 3, 4, and 7. By using natural materials such as the designated stone, the visual impact of the walls will be diminished when surrounded by other natural materials and landscape.

The above deviations are consistent with the purpose and intent of the Mid-City Community Planned District and Site Development Permit regulations and will allow a project design that is consistent with the existing developed character of the community than a project which might be required to strictly adhere to zoning regulations of the zone. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

2. Supplemental Findings – Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The proposed design minimizes impacts to the environmentally sensitive lands, specifically steep hillside slope, through the planning of several smaller scaled detached dwelling units sited across the eastern frontage of the property in-lieu of a singular large structure. Each structure is setback from the street to allow for vehicular entry, and is designed upon stilts to elevate the detached structures above the natural land-form. The design therefore minimizes any disturbance to the natural ground plane below through the use of isolated pier footings within the natural landscape. Flow-through planters are also incorporated into the project to reduce urban storm water run-off into the environmentally sensitive lands.

Furthermore, the Permit provides protection to the ESL Steep Hillsides that are outside of the allowable development area on the premises, requiring that they remain in a natural state and be used only for those passive activities allowed as a condition of permit approval. The passive activities allowed on the undeveloped remainder of the premises and any other conditions of the Permit shall be incorporated into a covenant of easement that shall be recorded against title to the property. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street. The conclusions of all the technical reports submitted by the applicant's consultants find the site is physically suitable for the type and density of the proposed development. The conceptual grading design will avoid impacts to the steepest areas of the site and develop those areas previously disturbed by construction activities. The grading design will minimize the alteration of natural lands forms. The landscape erosion control required for grading the site will protect the slopes from erosion. The geotechnical consultant will have input in the final grading design and construction to assure undue risks from geologic conditions will not exist. The risk from fire hazards will be reduced by the implementation of a brush management program and the requirements of the California Building Code Section 7A, Materials and Construction Methods for Exterior Wildfire Exposure. All drainage will be directed to storm drains in a proper manner according to standards for civil engineering. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street. The proposed design minimizes impacts to the environmentally sensitive lands, specifically steep hillside slope, through the planning of several smaller scaled detached dwelling units sited across the eastern frontage of the property in-lieu of a singular large structure. Each structure is setback from the street to allow for vehicular entry, and is designed upon stilts to elevate the detached structures above the natural land-form.

The Permit prepared for the Project provides protection to the ESL Steep Hillsides that are outside of the allowable development area on the premises, requiring that they remain in a natural state and be used only for those passive activities allowed as a condition of permit approval. The passive activities allowed on the undeveloped remainder of the premises and any other conditions of the Permit shall be incorporated into a covenant of easement that shall be recorded against title to the property. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street. The project site is located within the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (City 1997 a and b). The entire parcel is designated as a "Development Area" in the MSCP Subarea Plan and is not within or adjacent to the City's designated Multi-Habitat Planning Area (MHPA) preserve. There are no known occurrences of sensitive plant or animal species occurring on the site. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

e. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project site is located approximately seven miles inland of the Pacific Ocean, four miles from San Diego Bay, and not located within the coastal overlay zone. Thus, the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street. The City of San Diego conducted an environmental review that determined the Project would not have the potential for causing a significant effect on the environment. The Project meets the criteria set forth in CEQA Exemption Section 15332, In-Fill Development Projects. The Project will be consistent with the existing land use designation (Medium-High Residential), and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses. The project has no value as habitat for endangered, rare, or threatened species. The project would not result in any significant effects related to air quality, noise, traffic, or water quality. The site can be adequately serviced by all required utilities and public services.

Although no mitigation measures are required for the Project, the Permit prepared for the Project provides protection to the ESL Steep Hillside that are outside of the allowable development area on the premises, requiring that they remain in a natural state and be used only for those passive activities allowed as a condition of permit approval. The passive activities allowed on the undeveloped remainder of the premises and any other conditions of the Permit shall be incorporated into a covenant of easement that shall be recorded against title to the property. Therefore, the nature and extent of protecting environmentally sensitive lands required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

3. **Supplemental Findings--Steep Hillside Development Area Regulations Alternative Compliance**

a. **The proposed development is in conformance with the Steep Hillside Guidelines.** The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The site is currently developed with two single-family residential units above an urban canyon's steep hillside with a 35-41% down slope gradient, east to southeast. The entire site (100%) is considered steep hillside and the existing development encompasses 22% of the site. The Project proposes to demolish the existing units and construct the new multi-family detached units which will encompass 42% of the site.

Although the development exceeds the 25% threshold for encroachment into steep hillsides, the Project does not conflict with any other development regulations for the site. Consistent with the Steep Hillsides Guidelines standards for multiple dwelling unit development, the proposed Project's design will respect existing natural landforms, minimize impacts to steep hillsides, the graded development pad areas will blend with the existing topography, the site improvements are designed and located to minimize impacts to the steep hillside, the design and placement of the structures will respect the steep hillside character, the adjacent public view corridors from public streets shall be provided and maintained, and the natural drainage patterns will be respected to the extent feasible. In addition, the Permit prepared for the Project provides protection to the ESL Steep Hillsides that are outside of the allowable development area on the premises, requiring that they remain in a natural state and be used only for those passive activities allowed as a condition of permit approval. The passive activities allowed on the undeveloped remainder of the premises and any other conditions of the Permit shall be incorporated into a covenant of easement that shall be recorded against title to the property. Therefore, the proposed development is in conformance with the Steep Hillside Guidelines.

b. The proposed development conforms to the applicable land use plan.

The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The Greater North Park Community Plan designates the 0.52-acre project site Medium-High Residential 30-45 dwelling units per acre. Based on the proposed project site area, 16 to 23 dwelling units would be allowed. According to General Plan Policy LU-C.4., new development is required to meet the density minimums of the applicable plan designation in order to ensure efficient use of remaining land available for residential development. However, due to the existing site development constraints with a heavily vegetated urban canyon and environmentally sensitive steep hillsides on the premises, a lower density of seven units at this site represents a more sensitive approach to this unique area and Policy LU-C.4 can be supported for the proposed density related to canyon and hillside preservation in the community.

Several deviations are requested as part of the development proposal related to overall building height, yard setbacks, architectural features, and retaining wall height at the front property line. The North Park Community Plan does not provide specific recommendations regarding these particular development requirements. However, despite these deviations and as proposed, the Project will be consistent with the policies of the North Park Community Plan, as well as with applicable Conservation Element policies contained in the General Plan and therefore, the proposed development conforms to the applicable land use plan.

c. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The Greater North Park Community Plan designates the 0.52-acre project site Medium-High Residential 30-45 dwelling units per acre. The site is

currently developed with two single-family residential units above an urban canyon's steep hillside with a 35-41% down slope gradient, east to southeast. The entire site (100%) is considered steep hillsides and the existing development encompasses 22% of the site. The Project proposes to demolish the existing units and construct the new multi-family detached units which will encompass 42% of the site.

Based on the proposed project site area, 16 to 23 dwelling units would be allowed. However, due to the existing site development constraints with a heavily vegetated urban canyon and environmentally sensitive steep hillsides on the premises, a lower density of seven units at this site represents a more sensitive approach to this unique area and appropriate for the proposed density related to canyon and hillside preservation in the community. Further limiting the amount of the development area for the site would increase failure of achieving the goals and objectives of the Greater North Park Community Plan's designation of Medium-High Residential density for the site. In addition, development limitations would not be consistent with the purpose and intent of the Mid-City Residential (MR) zones, multi-family residential zones which are designed to provide for development compatible with the pattern of the existing neighborhoods. Therefore, strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.

**B. MID-CITY COMMUNITIES DEVELOPMENT PERMIT (SDMC)
SECTION 1512.0204**

Findings for all for Mid-City Communities Development Permit

1. **Conformance with Community Plan and Design Manuals.** The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 1512.0101), and the following documents, as applicable to the site: the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan, the Mid-City Design Plan (California State Polytechnic University, Pomona; Graduate studies in Landscape Architecture; June, 1983), Design Manual for the Normal Heights Demonstration Area and the City Heights Demonstration Area (HCH Associates and Gary Coad; April, 1984), The Design Study for the Commercial Revitalization of El Cajon Boulevard (Land Studio, Rob Quigley, Kathleen McCormick), The North Park Design Study, Volume 1, Design Concept and Volume 2, Design Manual (The Jerde Partnership, Inc. and Lawrence Reed Moline, Ltd.), Sears Site Development Program (Gerald Gast and Williams-Kuebelbeck and Assoc.; 1987) and will not adversely affect the Greater North Park Community Plan, the Uptown Community Plan or the General Plan of the City of San Diego. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The Greater North Park Community Plan designates the 0.52-acre project site Medium-High Residential 30-45 dwelling units per acre. Based on the proposed project site area, 16 to 23 dwelling units would be allowed. According to General Plan Policy LU-C.4., new development is required to meet the density minimums of the applicable plan designation in order to ensure efficient use of remaining land available for residential development. However, due to the existing site development constraints with a heavily vegetated

urban canyon and environmentally sensitive steep hillsides on the premises, a lower density of seven units at this site represents a more sensitive approach to this unique area and Policy LU-C.4 can be supported for the proposed density related to canyon and hillside preservation in the community.

The proposed Project will meet several policies of the Urban Design Element of the Greater North Park Community Plan by incorporating horizontal and vertical offsets, surface articulation, and other architectural features such as balconies, varying window arrangements, textures, and building materials to break up the perceived bulk and scale of the structure. In order to address guidelines for enhancing the public streetscape and pedestrian environment, street tree plantings associated with the Project will consist of jacarandas and evergreen theme trees for a combined total of ten along Indiana Street where there are currently only three street trees along the western side of the site. Although the Project is not located within community plan designated open space, the proposed Project utilizes the existing topography of the site by utilizing a combined bench and stilt building construction, minimizing grading and clustering development in order to preserve the steeper portions of the site to the south as open space.

The proposed Project will include several project features that will meet recommendations found in the Conservation Elements of the community plan and the General Plan related to sustainable development and compliance with the Climate Action Plan. The Project will meet the recommendation of employing sustainable or green building techniques that will achieve greater energy efficiency and employ self-generation of energy using renewable technology by incorporating a rooftop photo-voltaic system which is intended to provide a minimum 15% improvement in performance standard when compared to Title 24; provide green/cool roof materials with a minimum 3-year aged solar reflection and thermal emittance or high solar reflection index; low-flow fixtures/appliances will be provided; and Electric Vehicle Charging Station (EVCS) will be provided in the enclosed private garage of each detached dwelling unit.

Several deviations are requested as part of the development proposal related to overall building height, yard setbacks, architectural features, and retaining wall height at the front property line. The North Park Community Plan does not provide specific recommendations regarding these particular development requirements. However, despite these deviations and as proposed, the Project will be consistent with the policies of the North Park Community Plan, the Mid-City Communities Planned District, as well as with applicable Conservation Element policies contained in the General Plan. Therefore, the proposed use and design of the Project will meet the purpose and intent of the Mid-City Communities Planned District and would not adversely impact the applicable land use plans or any of the other plans listed above.

2. Compatibility with surrounding development. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable. The Project is an infill development in an established neighborhood which is planned for and developed with multi-family and single-family uses. The

single-family uses are typically older homes developed prior to the current land use designation of Medium-High Residential by the Greater North Park Community Plan.

The new buildings will be sympathetic to the scale, form and texture of surrounding development and the new buildings will not reach exceptional height and bulk in comparison to existing structures, large surfaces will be articulated and textured to reduce their apparent size and reflect the pattern of existing development. As such, the Project will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved to the greatest extent possible.

3. No Detriment to Health, Safety and Welfare. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The proposed Project has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The Project is consistent with the Greater North Park Community Plan, the City's environmental regulations, landscaping and brush management requirements, the fire protection policies, water and sewer study recommendations, and the City's affordable housing policies and regulations. The Project is also located in Fire Buffer Zone (300'). The proposed project proposes alternative compliance for Brush Management by eliminating Zone 1 and incorporating the seven detached dwellings, decks, and other flammable building materials with resistivity levels that comply with protective fire ratings and regulations. In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with all applicable construction codes to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare.

The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the 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 the Site Development Permit approval require compliance with several operational constraints and development controls, the review of all construction plans by the City 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. These requirements will assure the continued health, safety and general welfare of persons residing or working in the area. Therefore, the proposed development and use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

4. Adequate Public Facilities. For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by Section 1512.0203(b)(1)(A) or (B), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space area per dwelling

unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of 10 feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities. The proposed Project is located at 3503-3517 Indiana Street which is less than 600 feet north of Balboa Park. According to SDMC section 1512.0203(b)(1)(B), if a site is within 600 feet of a public park the requirement of useable recreational open space area per dwelling unit is met. Therefore, the proposed Project meets the required finding for adequate public facilities.

5. Adequate Lighting. In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site. The Project proposes the development of seven multi-family detached dwelling units on two parcel lots with a combined 0.52-acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue. Approximately 45 feet from the Project's southwest property corner, a City street light is located on a power pole located at the southwest corner intersection of Indiana Street and Myrtle Avenue. In addition, the Project proposes providing exterior landscape and building lighting to illuminate the driveway, building entrances, and building identification signage. Therefore, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site.

6. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to overall building height, yard setbacks, architectural features, and retaining wall height at the front property line. More specifically, the Project requires the approval of eight deviations from the development regulations of the MR-1000 Zone of the Mid-Cities Community Planned District. These deviations are as follows:

- The Project has detached dwelling units that are separated by a minimum of 3 feet where detached dwellings are required to maintain a minimum distance of 6 feet between dwellings located on the same property.

The Project functions as a multi-family dwelling, which may share walls, in that it houses several residences within a unified parcel. It also functions in several manners similar to the City's small lot residential development regulations in which detached dwellings on separated parcels are permitted to not have setbacks between the subdivided lots, so long as the primary parcel complies with setbacks.

- The Project has a side setback of 2 feet from the north property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side setback of 6 feet from the north property line at the third story where a side setback of 9 feet is required at the third story.

- The project has a side setback of 2 feet from the south property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side

setback of 6 feet from the south property line at the third story where a side setback of 9 feet is required at the third story.

Both of the above deviations relate to the Project utilizing a building structure intended to be harmonious to the neighborhood's predominately existing single-family unit structures. In addition, the density and scale of the proposed development strikes a balance between the permissible Medium-High Residential development and the existing dense vegetation of the canyon south-east of the site. By providing small, private walk up stairways to the proposed units, the Project balances the mood of single-family residences surrounding it, with reduced setbacks to allow for the development of wider residential structures with the average width of 21'-6" for each unit, including stair entries.

- The project has a maximum structure height of 53 feet and the building is not above enclosed parking where the maximum structure height allowed where the building is not above enclosed parking is 40 feet.

- Dwelling #1 = 53 feet;
- Dwelling #2 = 50 feet;
- Dwelling #3 = 48 feet;
- Dwelling #4 = 47.5 feet;
- Dwelling #5 = 47 feet;
- Dwelling #6 = 49.5 feet; and
- Dwelling #7 = 45 feet

- The project has a maximum Overall Structure Height of 62.5 feet where the maximum Overall Structure Height allowed is 60 feet.

- Dwelling #1 has an Overall Structure Height of 62.5 feet above the lowest point within 5 feet of the structure;
- Dwelling #3 has an Overall Structure Height of 62 feet above the lowest point within 5 feet of the structure; and
- Dwelling #4 has an Overall Structure Height of 61 feet above the lowest point within 5 feet of the structure.

Both of the height deviations are directly related to the existing topography on the site. The Project site's topography is comprised of nearly 80% of steep hillside slopes with grades ranging from 253.5 feet to 300.2 feet. This 47 foot change in topography has created the development design for the units to establish the building massing by vertically stacking three floor levels (two above street level and one below basement) with minimal setback from the street and elevated on stilts to the rear on each unit. The development layout of separated, low-lying buildings, benefits the surrounding neighborhood by minimizing the impact to the natural topography of the site and maximizing on-site open spaces as well as maintaining several significant trees on the site. Due to these constraints, the proposed design provides a uniquely different product of seven detached dwellings, elevated above the terrain and cushioned within the existing vegetation of the existing urban canyon.

- The project provides only 4 of the 5 architectural features as required by SDMC section 1512.0304. Not all the windows facing the street will have awnings where this feature requires all windows facing the street to have awnings.

The Project's design impact is maximized when architectural features work together. The Project's Unit 6, the development's only one-bedroom unit, is designed to read as a separate object, and though the materials and style remain "contemporary," the Project and Unit 6's abutting units are improved by the removal of the transom window and associated awning.

- The project does not provide the minimum transparency on the first story of the facade facing the street as required by SDMC section 1512.0312(b)(3), (4).

Three of the seven residential unit's garage doors fronting Indiana Street are fully glazed. The remainders are of a varied character to improve the neighborhood, through the removal of repetition. The glazed and unglazed windows will read similarly, but to require transparency on the entirety of these residences would create a monotonous dwelling type when repeated seven times. The physical separations between each detached structure also acts a layer of transparency to the development as a whole, further allowing public glimpse views through the green-scape canyon beyond and therefore, increasing the transparency of the development as a whole.

- The project provides a 4-foot solid wall at the front property line (perpendicular to it) where a maximum 3-foot high solid wall is allowed at the front property line.

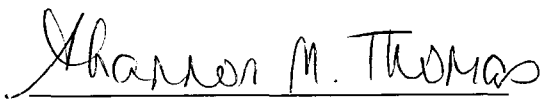
Due to the steep terrain of the hillside and for the health, safety, and welfare of the unit's residents and public, a wall set at unit entry guardrail height has been added at the front of the property line along Units 1, 3, 4, and 7. By using natural materials such as the designated stone, the visual impact of the walls will be diminished when surrounded by other natural materials and landscape.

The above deviations are consistent with the purpose and intent of the Mid-City Community Planned District and Site Development Permit regulations and will allow a project design that is consistent with the existing developed character of the community than a project which might be required to strictly adhere to zoning regulations of the zone. Therefore, the proposed development and use will comply with the relevant regulations in the San Diego Municipal Code.

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. 1361903 is granted to Idea Enterprise, LP, a California Limited Partnership, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/21/2017
Or.Dept:DSD
Doc. No.: 1461467

Attachment: Site Development Permit No. 1361903

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: 24005099

**SITE DEVELOPMENT PERMIT NO. 1361903
3503 – 3517 INDIANA STREET PROJECT NO. 388089
CITY COUNCIL**

This Site Development Permit No. 1361903 is granted by the City Council of the City of San Diego to Idea Enterprise, LP, a California Limited Partnership, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0504. The 0.52 -acre site is located at 3503 – 3517 Indiana Street in the MR-1000 Zone of the Mid-City Communities Planned District Ordinance (MCCPDO), the Airport Influence Area, the FAA Notification Area, the Transit Area, and the Fire Brush Management Overlay Zones of the Greater North Park Community Plan area. The project site is legally described as Lots 22 through 27 in Block 251 of University Heights, in the City of San Diego, County of San Diego, State of California, according to the amended Map thereof made by G.A. D'Hemecourt in Book 8 E.T. Seq. of Lis Pendens, in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct seven multi-family detached residential units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 18, 2017, on file in the Development Services Department.

The project shall include:

- a. Demolish two (2) existing single-family residential units and construct seven (7) new multi-family detached residential units consisting of six (6), three bedroom, two-story dwelling units and basement with a gross floor area of approximately 2,510 square feet each and one (1), one bedroom, two-story dwelling unit and basement with a gross floor area of approximately 1,816 square feet;
- b. Allowed deviations meeting the purpose and intent of the MCCPDO as follows:

1. The project has detached dwelling units that are separated by a minimum of 3 feet where detached dwellings are required to maintain a minimum distance of 6 feet between dwellings located on the same property.
2. The project has a side setback of 2 feet from the north property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side setback of 6 feet from the north property line at the third story where a side setback of 9 feet is required at the third story.
3. The project has a side setback of 2 feet from the south property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side setback of 6 feet from the south property line at the third story where a side setback of 9 feet is required at the third story.
4. The project has a maximum structure height of 53 feet where the building is not above enclosed parking where the maximum structure height allowed where the building is not above enclosed parking is 40 feet.
 - Dwelling #1 = 53 feet;
 - Dwelling #2 = 50 feet;
 - Dwelling #3 = 48 feet;
 - Dwelling #4 = 47.5 feet;
 - Dwelling #5 = 47 feet;
 - Dwelling #6 = 49.5 feet; and
 - Dwelling #7 = 45 feet
5. The project has a maximum Overall Structure Height of 62.5 feet where the maximum Overall Structure Height allowed is 60 feet.
 - Dwelling #1 has an Overall Structure Height of 62.5 feet above the lowest point within 5 feet of the structure;
 - Dwelling #3 has an Overall Structure Height of 62 feet above the lowest point within 5 feet of the structure; and
 - Dwelling #4 has an Overall Structure Height of 61 feet where above the lowest point within 5 feet of the structure.
6. The project provides only 4 of the 5 architectural features required by SDMC section 1512.0304 (Not all the windows facing the street will have awnings where this feature requires all windows facing the street to have awnings).
7. The project does not provide the minimum transparency on the first story of the facade facing the street required by SDMC section 1512.0312(b)(3), (4).

8. The project shows a 4-foot solid wall at the front property line (perpendicular to it) where a maximum 3-foot high solid wall is allowed at the front property line.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 18 _____, 2020.
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the federal Endangered Species Act (ESA) and by the California Department of Fish and Wildlife (CDFW) pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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.

AFFORDABLE HOUSING REQUIREMENTS:

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

AIRPORT REQUIREMENTS:

13. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement (DS-503) and show certification on the building plans verifying that the structures do not require Federal Aviation Administration (FAA) notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the closure of the existing non-utilized driveways, on Indiana Street, with City standard curb and gutter, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with full-height City standard curb and gutter, along the entire project on Indiana Street, per Standard Drawing SDG-151, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the installation of two 20-foot wide City standard driveways, on Indiana Street, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with the City standard curb ramp with truncated domes, located at the northeast corner of Indiana Street and Myrtle Avenue, per Standard Drawing SDG-132, satisfactory to the City Engineer.

18. 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.

19. 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.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

21. Prior to the issuance of any construction permit, the applicant 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.

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

23. Prior to the issuance of any construction permit for a building, 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.

LANDSCAPE REQUIREMENTS:

24. Prior to issuance of any construction permits for structures or grading, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

25. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC section 142.0403(b)(5).

26. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A" Landscape Development Plan.

27. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.

28. Any required planting that dies within three years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

29. Required shrubs or trees that die three years or more after installation shall be replaced with 15-gallon size or 60-inch box size/15 foot BTH material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material.

30. Construction documents for the revegetation and hydroseeding of all disturbed land shall be in accordance with the Landscape Standards. 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.

31. 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.

32. An approved Water Budget shall be provided on the Landscape Construction plans and shall be in conformance with water conservation requirements of the SDMC section 142.0413 for landscaped areas over 1,000 square feet.

33. Prior to issuance of construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall ensure that all proposed landscaping shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC Invasive Plant Inventory and the prohibited plant species list found in Table 1 of the Landscape Standards shall not be permitted.

34. If revegetation is required prior to issuance of any construction permits for grading, the Owner/Permittee or subsequent Owner/Permittee shall submit complete landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental Conditions) and Exhibit "A" on file in the Office of the Development Services Department.

BRUSH MANAGEMENT REQUIREMENTS:

35. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

36. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the Development Services Department and the Fire Marshal. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0101; the Land Development Manual, Landscape Standards; and the Land Development Code, Landscape Regulations Section 142.0412 (Ordinance 19413).

37. The Brush Management Program shall incorporate Alternative Compliance measures in lieu of standard brush management zones. Any openings along the southeast face of the structure extending from the south east corner for the length of the unit, plus a perpendicular return along the south face of the structure, shall be upgraded to Dual-Glazed, Dual-Tempered panes in addition to standard CBA 7A requirements.

38. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and Development Services Department approval.

39. The Owner/Permittee shall conduct and submit to the City an Irrigation Audit consistent with SDMC section 142.0413(f) and section 2.7 of the Landscape Standards of the Land Development Manual prior to occupancy and use. All irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work.

PLANNING/DESIGN REQUIREMENTS:

40. Owner/Permittee shall maintain a minimum of 13 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

41. 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.

42. Environmentally sensitive lands (Steep Hillides) that are outside of the allowable development area on the premises shall be left in a natural state and used only for those passive activities allowed as a condition of permit approval. The passive activities allowed on the undeveloped remainder of the premises and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in SDMC section 143.0152.

43. 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.

44. 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.

45. The Owner/Permittee shall comply with The Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements." The Climate Action Plan strategies as identified as Exhibit "A" shall be enforced and implemented to the satisfaction of the Development Services Department.

TRANSPORTATION REQUIREMENTS

46. Prior to issuance of any construction permit, the Owner/Permittee shall assure by permit and bond installation of additional pavement on Myrtle Avenue east of Indiana Street to allow maintenance of the existing on-street parking spaces with adequate depth of 18 feet per space, and relocation of the existing barricade and signage to the east as shown on Exhibit "A," satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

47. All water and sewer facilities to be constructed within the public ROW or other public easement (including water services and sewer laterals) must be designed and constructed in accordance with criteria established in the most current version of all applicable City of San Diego Water and Sewer Facility Design Guidelines, regulations, standards, and practices pertaining thereto.

48. All proposed private water and/or sewer facilities must be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

49. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain a permit to install above ground private back flow prevention as required to protect all water service lines (domestic, fire, and irrigation) in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPD's are typically located on private property, in-line with the water service, and immediately adjacent to the right-of-way. The Public Utilities Department will not permit BFPDs to be located below grade or within the structure.

50. Prior to the issuance of any occupancy permit, any pre-existing public sewer lateral being retained and reused by the development associated with this permit must be inspected by a California Licensed Plumbing Contractor using closed-circuit television (CCTV) to certify, in a manner satisfactory to the City Engineer and Public Utilities Director, that the lateral is in good condition, free of all debris, and properly connected to the City's public sewer collection system.

51. Before any construction permit can be issued under this development permit, the Owner/Permittee shall provide evidence of a City approved County recorded Encroachment

Maintenance and Removal Agreement (EMRA) for any pre-existing or proposed encroachment within any public ROW or public easement contiguous to the property under review.

52. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten (10) feet of any sewer facilities or within five (5) feet of any water facilities.

53. Prior to issuance of any construction permit for building, any proposed "PRIVATE" sewer lines within a public ROW or public easement must be located and labeled on a City Construction Record Drawing (D or B-sheet) so as to clearly convey all of the following: the sewer line's identity as "PRIVATE," its location relative to the nearest property line, its authorization to encroach (i.e. the approved EMRA #), and its point of connection to the public sewer collection system.

54. Prior to issuance of any construction permit for building, the Owner/Permittee is required to ensure (to the satisfaction of the Public Utilities Director) that all water services to the site (excepting single family domestic service lines, and single family domestic/fire combined service lines where the residential fire sprinkler system utilizes passive purge design) will pass through a private above ground back flow prevention device (BFPD).

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 April 18, 2017 and by Resolution No. R- 311055 .

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
Development Project Manager

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

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

**Idea Enterprise, LP, a California Limited Partnership
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 18 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 18 2017

(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:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By *J. D. Bruen*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311055