

RESOLUTION NUMBER R- 311851

DATE OF FINAL PASSAGE JUN 26 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND GRANTING COASTAL DEVELOPMENT PERMIT NO. 2081351 AND SITE DEVELOPMENT PERMIT NO. 2099448 FOR ECO BLOK RESIDENCES – PROJECT NO. 530514.

WHEREAS, PFP COASTAL HOLDINGS, LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit for the demolition of the ARC Assisted Living Complex (currently unoccupied) and the construction of 30 detached single-family dwelling units and three lot line adjustments, on portions of a 1.64-acre site (Project); and

WHEREAS, the Project site is located at 3937-3977 Shasta Street, 1765 Fortuna Avenue and 1750 Roosevelt Avenue. The site is zoned RM-1-1 (Residential - Multiple Unit) and is designated Multi-Family Residential in the Pacific Beach Community Plan. In addition, the Project site is within the Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Transit Priority Area, Parking Impact Overlay Zone Parking (Coastal and Beach), and the Residential Tandem Parking Overlay Zone; and

WHEREAS, the Project site is legally described as Parcel 2: Lots 1 through 24 inclusive of Block 17 of Fortuna Park Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 894, filed in the Office of the County Recorder of San Diego County, January 22, 1903. Excepting therefrom the Easterly 5.00 fee as dedicated to the City of San Diego, in the Deed recorded April 22, 1992 as Instrument No. 1992-0236618, of Official Records; and Parcel 3: Lots 1 through 6 inclusive of Block 27 of Fortuna Park Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof

No. 894, filed in the Office of the County Recorder of San Diego County, January 22, 1903. Excepting therefrom the Easterly 5.00 fee as dedicated to the City of San Diego, in the Deed recorded April 22, 1992 as Instrument No. 1992-0236618, of Official Records; and

WHEREAS, on March 15, 2018, the Planning Commission of the City of San Diego considered and approved Mitigated Negative Declaration No. 530514, the Mitigation, Monitoring and Reporting Program, Coastal Development Permit No. 2081351, and Site Development Permit No. 2099448; and

WHEREAS, on March 28, 2018, the Pacific Beach Community Planning Group submitted an appeal of Coastal Development Permit No. 2081351 and Site Development Permit No. 2099448; and

WHEREAS, on June 26, 2018, the City Council considered the appeal and of Coastal Development Permit No. 2081351 and Site Development Permit No. 2099448, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, the Project complies with the regulations of the Land Development Code of the City of San Diego, including, but not limited to, those regulations concerning carports and affordable housing requirements and the deviations are appropriate for the Project site and will result in a more desirable Project; 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, a public hearing is 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Planning Commission's decision to approve the Project and grant Coastal Development Permit No. 2081351 and Site Development Permit No. 2099448 is affirmed and the appeal is denied; and

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2081351 and Site Development Permit No. 2099448:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION §126.0708**

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

**a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 1.64-acre project site is located at 3937-3977 Shasta Street, 1765 Fortuna Avenue and 1750 Roosevelt Avenue. The site is zoned RM-1-1 (Residential - Multiple Unit) and is designated Multi-Family Residential in the Pacific Beach Community Plan. In addition, the project site is within the Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Transit Priority Area, Parking Impact Overlay Zone Parking (Coastal and Beach), and the Residential Tandem Parking Overlay Zone. The site is comprised of 30 legal lots of which 24 of the lots are located on the east side of Shasta Street between Roosevelt Avenue and Fortuna Avenue. The remaining six lots are located on the east side of Shasta Street just south of Roosevelt Avenue.

The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex and the Pacific Beach Community Garden to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. The project proposes a maximum building height of 23 feet 6 inches for the two-story units and 28 feet 8 inches for the three-story units, which complies with the zoning regulations and the Coastal Height Limitation Overlay Zone. The site is located approximately 1.19-miles from the Pacific Ocean and 1,025 feet from the shores of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea, and Shasta Street, Fortuna Avenue and Roosevelt Avenue at this location is not designated as a physical accessway or view corridor. The site does not contain intermittent or partial vistas, viewsheds or scenic overlooks as identified within the adopted PBCP and Local Coastal Program Land Use Plan, nor are there existing or potential views to the ocean through the site. Therefore, the project does not impact or encroach on any existing or proposed public accessway vista, or view shed and enhances and protects public views through design features, parkways, and setbacks consistent with the with the goals and policies of the certified Local Coastal Program land use plan.

**b. The proposed coastal development will not adversely affect environmentally sensitive lands.** The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. The site slopes gently from north to south with elevations ranging from 47 feet Mean Sea Level (MSL) at the north end of the property to approximately 33 feet MSL at the southern end. The site is not located within the 100-year floodplain or any Special Flood Hazard area. The project site is not located within or adjacent to the Multiple Habitat Planning Area and does not contain Environmentally Sensitive Lands as defined in San Diego Municipal Code (SDMC) Section 113.0103.

A Mitigated Negative Declaration (MND) No. 530514 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, which addresses potential impacts to Cultural Resources (Historical Resources/Archaeology) and Noise (Construction); and a Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented with this project to reduce the potential impacts to below a level of significance. Therefore, it has been determined that the development will not adversely affect environmentally sensitive lands.

**c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The 1.64-acre project site is located at 3937-3977 Shasta Street, 1765 Fortuna Avenue and 1750 Roosevelt Avenue. The Pacific Beach Community Plan designates the site as Multi-Family, which allows Low-Medium Density (9 -<15 dwelling units/acre). This density category, which predominantly occupies those portions of the community that are closer to the beach and bay, is characterized by lower intensity multifamily housing, such as two-on-ones or duplexes, but does allow for single family dwelling units. The underlying base zone is RM-1-1, which permits a maximum density of one dwelling for each 3,000 square feet of lot area. More specifically, the purpose of the RM zone is to provide for multiple dwelling unit development at varying densities and accommodates development with similar densities and characteristics. The RM-1 zone permits lower density multiple dwelling units with some characteristics of single dwelling units.

The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. The project proposes a maximum building height of 23 feet 6 inches for the two-story units and 28 feet 8 inches for the three-story units, which complies with the zoning regulations and the Coastal Height Limitation Overlay Zone. The site is located approximately 1.19-miles from the Pacific Ocean and 1,025 feet from the shores of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea, and Shasta Street, Fortuna Avenue and Roosevelt Avenue at this location is not designated as a physical accessway or view corridor. The site does not contain intermittent or partial vistas, viewsheds or scenic overlooks as identified within the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan, nor are there existing or potential views to the ocean through the site.

Several deviations are requested as part of the development proposal that relate to front yard setback, rear yard setback, building angle envelope, and floor area ratio. The Pacific Beach Community Plan nor the certified Local Coastal Program land use plan do not provide specific

recommendations regarding these particular development requirements, other than general guidelines for including building articulation and design compatibility. As proposed, the project would incorporate varying façade offsets including breaks in the buildings massing to allow view through the project, varying building and textures, sustainable development features such as photovoltaic panels, and outdoor recreation space in the form of rooftop decks. Notwithstanding the deviations, the project as proposed would be in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

**d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The 1.64-acre project site is located at 3937-3977 Shasta Street, 1765 Fortuna Avenue and 1750 Roosevelt Avenue. The site is located approximately 1.19-miles from the Pacific Ocean and 1,025 feet from the shores of Mission Bay, and is not located between the sea and the first public roadway paralleling the sea. Therefore, the proposed development does not have to comply with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**B. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION §126.0505]**

**1. Findings for all Site Development Permits-Section §126.0505(a):**

**a. The proposed development will not adversely affect the applicable land use plan.** The 1.64-acre project site is located at 3937-3977 Shasta Street, 1765 Fortuna Avenue and 1750 Roosevelt Avenue. The Pacific Beach Community Plan designates the site as Multi-Family, which allows Low-Medium Density (9 <15 dwelling units/acre). This density category, which predominantly occupies those portions of the community that are closer to the beach and bay, is characterized by lower intensity multifamily housing, such as two-on-ones or duplexes, but does allow for single family dwelling units. The underlying base zone is RM-1-1, which permits a maximum density of one dwelling for each 3,000 square feet of lot area. More specifically, the purpose of the RM zone is to provide for multiple dwelling unit development at varying densities and accommodates development with similar densities and characteristics. The RM-1 zone permits lower density multiple dwelling units with some characteristics of single dwelling units.

The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. The proposed single-family dwelling units would include six unique floor plans and would range in size from approximately 1,655 to 1,780 square feet. Each home would have at least three bedrooms and three bathrooms with one floor plan featuring four bedrooms and three bathrooms. Each home would have a carport with covered parking for two vehicles, of which 27 of the lots would take access from the alley and three lots would take access from the street. The project includes a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption.

Several deviations are requested as part of the development proposal that relate to front yard setback, rear yard setback, building angle envelope, and floor area ratio. The Pacific Beach Community Plan does not provide specific recommendations regarding these particular development requirements, other than general guidelines for including building articulation and design compatibility. As proposed, the project would incorporate varying façade offsets including breaks in the buildings massing to allow view through the project, varying building and textures, sustainable development features such as photovoltaic panels, and outdoor recreation space in the form of rooftop decks. Notwithstanding the deviations, the project as proposed would be consistent with the policies of Pacific Beach Community Plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. The project includes a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption.

A Mitigated Negative Declaration (MND) No. 530514 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, which addresses potential impacts to Cultural Resources (Historical Resources/Archaeology) and Noise (Construction); and a Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented with this project to reduce the potential impacts to below a level of significance.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Coastal Development Permit No. 2081351 and Site Development Permit No. 2099448, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. Several deviations are requested as part of the development proposal that relate to front yard setback, rear yard setback, building angle envelope, and floor area ratio. The following table is a matrix of the proposed deviations, which is followed by the justifications for the deviations:

<b>Deviations Summary</b>			
<b>Deviation Description</b>	<b>Deviation from SDMC</b>	<b>Required</b>	<b>Proposed</b>
<b>Rear Yard Setback</b> for Lots 2 and 23 of northern portion, and Lot 2 of southern portion	<u>Section 131.0431 and Table 131-04G</u>	Minimum 15 feet	4 feet
<b>Rear Yard Setback</b> for Lots 1 and 24 of northern portion, and Lot 1 of southern portion	<u>Section 131.0431 and Table 131-04G</u>	Minimum 15 feet	6 feet
<b>Front Yard Setback</b> or Lots 1 and 24 of northern portion, and Lot 1 of southern portion	<u>Section 131.0431 and Table 131-04G</u>	Minimum setbacks where a 50 percent blended setback of 15 feet and 20 feet	10 feet
<b>Floor Area Ratio (FAR)</b> the project proposes a 0.96 FAR for Lots 1 and 24 of northern portion and Lot 1 of northern portion; a FAR of 0.57 for Lot 2 and 23 of northern portion and Lot 2 of southern portion	<u>Section 131.0431 and Table 131-04G</u>	Limit FAR to 0.75 times the lot size	Combined and then averaged, each lot would result in an FAR of 0.72 for each of the reconfigured two-lot condition at the corners of the project site
<b>Angled Building Envelope Plane</b> for Lots 1 and 24 of northern portion and Lot 1 of southern portion	<u>Section 131.0444(e)</u>	Requires that angled building envelope plane apply to side yard setbacks	None
<b>Front Yard Setback</b> for Lots 4, 5, 7, 10, 12, 14, 15, 18, 19, and 22 for the northern portion, and Lots 4 and 5 of the southern portion	<u>Section 131.0431 and Table 131-04G with reference to Section 131.0443(d)(1)</u>	Minimum 15 feet and 20 feet standard	15 feet
<b>Rear Yard Setback</b> for Lots 4, 5, 7, 10, 12, 14, 15, 18, 19, and 22 of northern portion and, and Lot 4 through 6 of southern portion	<u>Section 131.0431 and Table 131-04G with reference to Section 131.0443(d)(4)</u>	Minimum 15 feet or where a rear yard abuts an alley, 1/2 of the alley (or 10 feet) may be counted toward the required rear yard	Reduced rear yard setback by 2.6 feet (2.6 foot setback plus 10 feet from centerline of the alley for a total 12.6 foot rear yard setback)

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing lots for residential use, while meeting the purpose and intent of the development regulations. The first five deviations listed above apply to the six lots abutting Fortuna Avenue and Roosevelt Avenue, and the integration of the development consistent with the existing development along Fortuna Avenue and Roosevelt Avenue, which have similar lot constraints. The remaining two deviations are to allow for building façade offsets and varying the building articulations, and architectural interest along Shasta Street and the adjoining alley instead of a uniform façade setback along the street. With the deviations, the project contributes to the street environment and is a good transition from the multi-family development to the west and single-family dwelling neighborhood to the east. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the San Diego Municipal Code.

**2. Supplemental Findings – Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings-Section §126.0505(m):**

**a. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.** The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. The project includes a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption. Therefore, the proposed development would materially assist in reducing impacts associated with fossil fuel energy use by using alternative energy resources, self-generation and other renewable technologies to generate electricity needed by the building and its occupants.

**b. The development will not be inconsistent with the purpose of the underlying zone.** The underlying base zone is RM-1-1, which permits a maximum density of one dwelling unit for each 3,000 square feet of lot area. More specifically, the purpose of the RM zone is to provide for multiple dwelling unit development at varying densities and accommodates development with similar densities and characteristics. The RM-1 zone permits lower density multiple dwelling units with some characteristics of single dwelling units. The project proposes the demolition of the former 10,758-square-foot ARC Assisted Living Complex to allow for the redevelopment of the 30 legal lots with 30 detached single-family dwelling units. Several deviations are requested as part of the development proposal that relate to front yard setback, rear yard setback, building angle envelope, and floor area ratio. Notwithstanding the deviations, the project as proposed would be consistent with the purpose of the underlying zone.




**c. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** As outlined in Site Development Finding B(1)(c), listed above, the 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 above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 2081351 and Site Development Permit No. 2099448 is hereby granted to PFP Coastal Holdings, LLC, 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   
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Corrine L. Neuffer  
Deputy City Attorney

CLN:als  
06/28/2018  
Or.Dept:DSD  
Doc. No.: 1782197

Attachment: Coastal Development Permit and Site Development Permit

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

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

INTERNAL ORDER NUMBER: 24007144

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 2081351  
SITE DEVELOPMENT PERMIT NO. 2099448  
ECO BLÖK RESIDENCES - PROJECT NO. 530514 [MMRP]  
PLANNING COMMISSION**

This Coastal Development Permit No. 2081351 and Site Development Permit No. 2099448 is granted by the City Council of the City of San Diego to PFP COASTAL HOLDINGS, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0708 and 126.0505. The 1.64-acre site is located at 3937-3977 Shasta Street, 1765 Fortuna Avenue and 1750 Roosevelt Avenue. The site is zoned RM-1-1 (Residential - Multiple Unit) and is designated Multi-Family Residential in the Pacific Beach Community Plan. In addition, the project site is within the Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Transit Priority Area, Parking Impact Overlay Zone Parking (Coastal and Beach), and the Residential Tandem Parking Overlay Zone. The project site is legally described as Parcel 2: Lots 1 through 24 inclusive of Block 17 of Fortuna Park Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No 894, filed in the Office of the County Recorder of San Diego County, January 22, 1903. Excepting therefrom the Easterly 5.00 fee as dedicated to the City of San Diego, in the Deed recorded April 22, 1992 as Instrument No. 1992-0236618, of Official Records; and Parcel 3: Lots 1 through 6 inclusive of Block 27 of Fortuna Park Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No 894, filed in the Office of the County Recorder of San Diego County, January 22, 1903. Excepting therefrom the Easterly 5.00 fee as dedicated to the City of San Diego, in the Deed recorded April 22, 1992 as Instrument No. 1992-0236618, of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of an assisted living complex (currently unoccupied) and the construction of 30 detached single-family dwelling units and three lot line adjustments, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUN 26 2018, on file in the Development Services Department.

The project shall include:

- a. Demolition of the former 10,758-square-foot ARC Assisted Living Complex and the Pacific Beach Community Garden to allow for the redevelopment of the 30

legal lots with 30 detached single-family dwelling units. The proposed single-family dwelling units would include six unique floor plans and would range in size from approximately 1,655 to 1,780 square feet. Each home would have at least three bedrooms and three bathrooms with one floor plan featuring four bedrooms and three bathrooms. Each home will have a carport with covered parking for two vehicles, of which 27 of the lots will take access from the alley and three lots will take access from the street;

- b. A lot line adjustment between Lots 1 and 2, and Lots 23 and 24 in Block 17; and Lots 1 and 2 in Block 27;
- c. Deviations from the SDMC:
  1. Rear Yard Setback: A deviation from SDMC Section 131.0431, Table 131-04G which requires a minimum rear yard setback of 15 for the RM-1-1 zone. The project proposes a minimum rear yard setback of 4 feet for Lots 2 and 23 of northern portion, and Lot 2 of southern portion;
  2. Rear Yard Setback: A deviation from SDMC Section 131.0431, Table 131-04G which requires a minimum rear yard setback of 15 for the RM-1-1 zone. The project proposes a rear yard setback of 6 feet for Lots 1 and 24 of northern portion, and Lot 1 of southern portion;
  3. Front Yard Setback: A deviation from SDMC Section 131.0431, Table 131-04G which requires a minimum front yard setbacks where a 50 percent blended setback of 15 feet and 20 feet for the RM-1-1 zone. The project proposes a 10-foot front yard setback for Lots 1 and 24 of northern portion, and Lot 1 of southern portion;
  4. Floor Area Ratio: A deviation from SDMC Section 131.0431, Table 131-04G which requires a limited floor area ratio of 0.75 times the lot size for the RM-1-1 zone. The project proposes a 0.96 floor area ratio for Lots 1 and 24 of northern portion and Lot 1 of northern portion; a floor area ratio of 0.57 of Lot 2 and 23 of northern portion and Lot 2 of southern portion. The deviation would allow for a combined and then averaged, each lot would result in an FAR of 0.72 for each of the reconfigured two-lot condition at the corners of the project site;
  5. Angled Building Envelope Plane Requirements: A deviation from SDMC Section 131.0444(e) which requires that angled building envelope plane apply to side yard setbacks. The project proposes that structures on Lots 1 and 24 of northern portion and Lot 1 of southern portion would not meet this requirement;
  6. Front Yard Setback: A deviation from SDMC Section 131.0431, Table 131-04G with reference to 131.0443(d)(1) which requires a minimum

front yard setbacks of 15 feet minimum and 20 feet standard for the RM-1-1 zone. The project proposes a 15-foot front yard setback for Lots 4, 5, 7, 10, 12, 14, 15, 18, 19, and 22 for the Northern portion, and Lots 4 and 5 of the southern portion;

7. Rear Yard Setback: A deviation from SDMC Section 131.0431, Table 131-04G with reference to 131.443(d)(4) for the RM-1-1 zone. The project proposes a reduced rear yard setback by 2.6 feet (2.6 foot setback plus 10 feet from centerline of the alley for a total 12.6 foot rear yard setback) Lots 4, 5, 7, 10, 12, 14, 15, 18, 19, and 22 of northern portion and, and Lot 4 through 6 of southern portion;
- d. Recission of Conditional Use Permit No. 444-PC, and Coastal Development Permit and Conditional Use Permit No. 89-1157;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking;
- g. Each single-family dwelling unit would contain 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; and
- h. 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 March 29, 2021.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and

- b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
  4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
  5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
  6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
  7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
  8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
  9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to

the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

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

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 530514, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 530514, 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:

Cultural Resources (Historical Resources/ Archaeology)  
Noise (Construction)

**CLIMATE ACTION PLAN REQUIREMENTS:**

14. 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" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**AFFORDABLE HOUSING REQUIREMENTS:**

15. Prior to the issuance of any building permit, the Owner/Permittee shall comply with the Coastal affordable housing requirements pursuant to the California Government Code Section 65590(d) as determined by the San Diego Housing Commission.

## **GEOLOGY REQUIREMENTS:**

16. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
17. The project's geotechnical consultant has selected a well permeameter test method for evaluating infiltration rates for planning phase design of the proposed full infiltration bio-retention basin(s). Per the Storm Water Standards (Appendix D, Table D.3-1), the infiltration rate should be confirmed following excavation of the basin(s). An update geotechnical report containing the confirmation test field data, test results, and infiltration rate must be submitted for evaluation of design phase infiltration feasibility.
18. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

## **ENGINEERING REQUIREMENTS:**

19. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
20. The project proposes to export 1,488 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
21. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains, concrete walkways, landscape and irrigation within the public Right-of-Way.
23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current 12-foot City Standard driveway, adjacent to the site on Fortuna Avenue and Roosevelt Avenue, per Exhibit "A," satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct existing alley aprons with current City Standard Alley Aprons on Fortuna Avenue and Roosevelt Avenue, per Exhibit "A," satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct existing curb ramps on both sides of alley entrance on Roosevelt Avenue and south side of alley entrance on Fortuna Avenue, per Exhibit "A," with current City Standard curb ramp with Detectable/Tactile Warning Tile, satisfactory to the City Engineer.
26. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate, and assure by permit and bond, the improvement of an additional 5 feet of the adjacent alley south of Roosevelt Avenue, satisfactory to the City Engineer.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
29. 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.
30. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, 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.
31. 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.

**LANDSCAPE REQUIREMENTS:**

32. Prior to issuance of any public improvement permit, 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.



33. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are 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 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 §142.0403(b)(5).

34. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents 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:**

36. The carports shall be constructed and maintained with at least two sides that are at least 75 percent completely open. The carports shall be included in the calculation of floor area ratio (FAR) if less than two sides of the carport are 75 percent completely open. Other than Deviation No. 4, listed above, the project may not exceed the allowable FAR of the zone.

37. 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.

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

39. 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**

40. All automobile parking spaces must be constructed in accordance with the requirements of the SDMC and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

## **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

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

42. 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) (BFPD), 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.

43. 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.

44. Prior to Final Inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

45. The Owner/Permittee shall design and construct all proposed public water and sewer 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:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 JUN 26 2018 and by Resolution No. R311851.

Permit Type/PTS Approval No.: CDP No. 2081351 and

SDP NO. 2099448

Date of Approval JUN 26 2018

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.**

**PFP COASTAL HOLDINGS, 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 JUN 26 2018, 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 JUN 26 2018

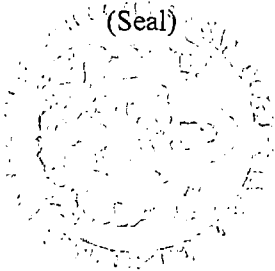
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

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

By Linda Irwin, Deputy



Office of the City Clerk, San Diego, California

Resolution Number R- 311851