

RESOLUTION NUMBER R- 311876

DATE OF FINAL PASSAGE JUL 10 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING CONDITIONAL USE PERMIT NO.
1818204 AND PLANNED DEVELOPMENT PERMIT NO.
1818203 FOR THE ATLAS STREET PROJECT – PROJECT NO.
518391.

WHEREAS, The First Brethren Church of San Diego, Incorporated, Owner/Permittee, and Blue Centurion Homes, Permittee, filed an application with the City of San Diego for Conditional Use Permit No. 1818204 and Planned Development Permit No. 1818203 for the Atlas Street Project – Project No. 518391, located at 3455 Atlas Street in the RS-1-7, FAA Part 77 Noticing Area (Montgomery Field), Residential Tandem Parking, and Clairemont Height Limit Overlay Zones of the Clairemont Mesa Community Plan, and legally described as Lot 10 of Grace Manor, in the City of San Diego, County of San Diego, State of California, according to Map No. 3655, filed in the Office of the County Recorder of San Diego County on May 28, 1957; and

WHEREAS, an application for Tentative Map No. 1818213 is concurrently being pursued for the Project, for the subdivision of one lot into nine lots, with the existing church/child care use to remain on Lot 1 and Lots 2-9 reserved for future residential development; and

WHEREAS, Conditional Use Permit No. 1818204 would modify the two existing entitlements allowing the church and onsite child care uses, City Council Resolution No. 9271 and Conditional Use Permit C-20413, to remove the entitlements from Lots 2-9; and

WHEREAS, Planned Development Permit No. 1818203 would allow deviation from the street frontage requirements for Lots 6, 7, 8, and 9; and

WHEREAS, on January 10, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15332 (In-fill Development) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, on April 19, 2018, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 1818204 and Planned Development Permit No. 1818203 and pursuant to Resolution No. 4936-PC voted to recommend City Council Approval of the Permits; 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 July 10, 2018, 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 Conditional Use Permit No. 1818204 and Planned Development Permit No. 1818203:

**I. CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0305**

1. The proposed development will not adversely affect the applicable land use plan. The 2.8-acre project site is located at 3455 Atlas Street in the RS-1-7 zone of the Clairemont Mesa Community Planning area. The site is designated Low Density Residential (5-10 du/ac) in the Clairemont Mesa Community Plan (Community Plan). The project proposes the creation of nine lots, one containing the church to remain (Lot 1) and eight residential lots on the vacant southern portion of the site (Lots 2-9). The church will redesign the existing parking area to accommodate the creation of the residential lots, which are not currently proposed for construction.

The site is already occupied by the church as an existing condition. The previously conforming church is governed by two existing entitlements; City Council Resolution No. 9271, which allows the church itself, and Conditional Use Permit (CUP) C-20413, which allows an onsite daycare. The Community Plan does not include specific discussion on churches; however, the Community Plan was adopted in 1989, when the church was already on the site. The current project requires a CUP to amend the existing permits to separate the church and child care uses currently allowed on the entire site from the residential units proposed on the new Lots 2 through 9. The church and child care uses are proposed to remain on Lot 1, which is the only lot covered by this CUP amendment.

Because the church is an established, previously conforming use in the community, and no additional development is proposed, the CUP to allow the continued church and child care uses to remain on Lot 1 does not adversely affect the goals and policies of the Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 2.8-acre project site is located at 3455 Atlas Street in the RS-1-7 zone of the Clairemont Mesa Community Planning area. The site is designated Low Density Residential (5-10 du/ac) in the Community Plan. The project proposes the creation of nine lots, one containing the church to remain (Lot 1) and eight residential lots on the vacant southern portion of the site (Lots 2-9). The church will redesign the existing parking area to accommodate the creation of the residential lots, which are not currently proposed for construction.

The project was determined to be exempt from CEQA pursuant to pursuant to Section 15332, In-fill Development Projects. The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during

construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Because the church is an established, previously conforming use in the community, and no additional development is proposed, the CUP amendment to allow the existing church and child care use to remain on Lot 1 will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The 2.8-acre project site is located at 3455 Atlas Street in the RS-1-7 zone of the Clairemont Mesa Community Planning area. The site is designated Low Density Residential (5-10 du/ac) in the Community Plan. The project proposes the creation of nine lots, one containing the church to remain (Lot 1) and eight residential lots on the vacant southern portion of the site (Lots 2-9). The church will redesign the existing parking area to accommodate the creation of the residential lots, which are not currently proposed for construction.

The church facility only requires the relocation of the existing parking lot to accommodate the new residential subdivision and no other improvements are proposed for the existing facility. The new lots proposed for future residential use comply with all development regulations of the RS-1-7 Zone regulations with the exception of lot frontage, which is a deviation proposed by Planned Development Permit (see below finding B.1.c.). Therefore, the continued church and daycare facility uses will comply with the regulations of the Land Development Code and does not require any allowable deviations pursuant to the Land Development Code.

4. The proposed use is appropriate at the proposed location. The 2.8-acre project site is located at 3455 Atlas Street in the RS-1-7 zone of the Clairemont Mesa Community Planning area. The site is designated Low Density Residential (5-10 du/ac) in the Community Plan. The project proposes the creation of nine lots, one containing the church to remain (Lot 1) and eight residential lots on the vacant southern portion of the site (Lots 2-9). The church will redesign the existing parking area to accommodate the creation of the residential lots, which are not currently proposed for construction.

Properties to the northwest, west, and south are also zoned RS-1-7 and designated Low Density Residential. Properties to the northeast are zoned RM-2-5 and designated Medium Density Residential (15-30 du/ac). To the west is a property zoned RM-1-1, which is also designated Medium Density Residential.

The site is already occupied by the church as an existing condition. The previously conforming church is governed by two existing entitlements; City Council Resolution No. 9271, which allows the church itself, and CUP C-20413, which allows an onsite daycare. The Community Plan does not include specific discussion on churches; however, the Community Plan was adopted in 1989, when the church was already on the site. The current project requires a CUP to amend the existing permits to separate the church and child care uses currently allowed on the entire site from the residential units proposed on the new Lots 2 through 9. The church and child care uses are proposed to remain on Lot 1, which is the only lot covered by this CUP amendment.

The existing church and daycare uses continue to provide the surrounding residential community with easily accessible neighborhood opportunities to congregate together and provide for childcare facilities and therefore, the proposed use continues to be appropriate at the proposed location.

II. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0605

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The 2.8-acre project site is located at 3455 Atlas Street in the RS-1-7 zone of the Clairemont Mesa Community Planning area. The site is designated Low Density Residential (5-10 du/ac) in the Community Plan. The project proposes the creation of nine lots, one containing the church to remain (Lot 1) and eight residential lots on the vacant southern portion of the site (Lots 2-9). The church will redesign the existing parking area to accommodate the creation of the residential lots, which are not currently proposed for construction.

The site is already occupied by the church as an existing condition. The previously conforming church is governed by two existing entitlements; City Council Resolution No. 9271, which allows the church itself, and CUP C-20413, which allows an onsite daycare. The Project requires a CUP to amend the existing permits to separate the church and child care uses currently allowed on the entire site from the residential units proposed on the new Lots 2 through 9. The church and child care uses are proposed to remain on Lot 1, which is the only lot covered by this CUP amendment.

The proposed residential development conforms to the land use and density recommended by the Community Plan. Properties to the northwest, west, and south are also zoned RS-1-7 and designated Low Density Residential. Properties to the northeast are zoned RM-2-5 and designated Medium Density Residential (15-30 du/ac). To the west is a property zoned RM-1-1, which is also designated Medium Density Residential.

A goal of the Community Plan is the provision to provide a range of housing opportunities for all income levels, and a high quality living environment in Clairemont's residential neighborhoods. The Project proposes eight residential parcel lots in a small lot development pattern. The development and future construction is subject to the RS-1-7 Zone regulations and would be compatible with the adjacent character of the single- and multi-family development. The Project would implement the goals of the Community Plan by providing a quality residential development that is compatible with the density and pattern of adjacent land uses and will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 2.8-acre project site is located at 3455 Atlas Street in the RS-1-7 zone of the Clairemont Mesa Community Planning area. The site is designated Low Density Residential (5-10 du/ac) in the Community Plan. The project proposes the creation of nine lots, one containing the church to remain (Lot 1) and eight residential lots on the vacant southern

portion of the site (Lots 2-9). The church will redesign the existing parking area to accommodate the creation of the residential lots, which are not currently proposed for construction.

The project was determined to be exempt from CEQA pursuant to Section 15332, In-fill Development Projects. The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes. As such, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The 2.8-acre project site is located at 3455 Atlas Street in the RS-1-7 zone of the Clairemont Mesa Community Planning area. The site is designated Low Density Residential (5-10 du/ac) in the Community Plan. The project proposes the creation of nine lots, one containing the church to remain (Lot 1) and eight residential lots on the vacant southern portion of the site (Lots 2-9). The church will redesign the existing parking area to accommodate the creation of the residential lots, which are not currently proposed for construction.

The proposed residential Lots 2 through 5 will measure 6,200 square feet, and lots 6 through 9 will measure 5,000 square feet. The residential lots will meet the lot depth, width, and area requirements of the RS-1-7 Zone regulations. However, due to the configuration of the Project sites' residential development, four of the eight lots must be created without street frontage in order to meet the density of the RS-1-7 Zone and Community Plan. The Project will deviate from SDMC Section 144.0211(b) for the creation of residential development on Lots No. 6 through 9 without lot frontage to Atlas Street, a dedicated street. The Project will provide access to Lots No. 6 through 9 from Atlas Street with the creation of two private access driveways. Without the frontage deviation, the Project would not be able to create residential lots 6, 7, 8, and 9 due to site constraints, fail to meet the Low Density Residential (5-10 du/ac) in the Community Plan, and reduce the amount of residential housing opportunities greatly needed in the City of San Diego.

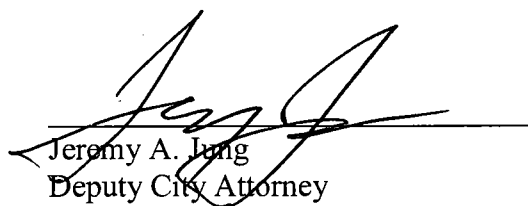
Therefore, the requested deviation is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1818203 and Conditional Use Permit No. 1818204 are granted to First Brethren Church of San Diego, Incorporated, Owner/Permittee, and Blue Centurion Homes, Permittee, under the terms and conditions set forth in the permits which are made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jeremy A. Jung
Deputy City Attorney

JAJ:nja
06/21/18
Or. Dept: DSD
Doc. No.: 1779776

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: 24007057

CONDITIONAL USE PERMIT NO. 1818204
PLANNED DEVELOPMENT PERMIT NO. 1818203
ATLAS STREET PROJECT NO. 518391
AMENDMENT TO CONDITIONAL USE PERMIT NO. C-20413
CITY COUNCIL

This Conditional Use Permit No. 1818204 and Planned Development Permit No. 1818203 (collectively, "Permit"), amendment to Conditional Use Permit C-20413, is granted by the City Council of the City of San Diego to The First Brethren Church of San Diego, Incorporated, Owner/Permittee, and Blue Centurion Homes, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0601 et seq. and 126.0301 et seq. (The First Brethren Church of San Diego and Blue Centurion Homes will be referred to collectively as "Owner/Permittee"). The 2.8-acre site is located at 3455 Atlas Street in the RS-1-7, FAA Part 77 Noticing Area (Montgomery Field), Residential Tandem Parking, and Clairemont Height Limit Overlay Zones of the Clairemont Mesa Community Plan. The project site is legally described as Lot 10 of Grace Manor, in the City of San Diego, County of San Diego, State of California, according to Map No. 3655, filed in the Office of the County Recorder of San Diego County on May 28, 1957.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create a residential development with eight single-dwelling units on new parcel lots created separately from the existing church facility use development's parcel lot, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 10, 2018, on file in the Development Services Department.

The project shall include:

- a. Construct a residential development, consistent with the RS-1-7 Base Zone regulations, with eight single-dwelling units, one unit per each lot (Parcel Lots 2 through 9);
- b. Continue the church facility use development on Parcel Lot 1;

- c. Allowed deviation to SDMC Section 144.0211(b) for the creation of residential development on Lots No. 6 through 9 without lot frontage to a dedicated street, but access to the dedicated street with the creation of private access driveways;
- d. Off-street parking;
- 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 July 10, 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.

11. The Owner/Permittee for Conditional Use Permit No. C-20413 shall continue to comply with conditions of approval for the church facility use unless specifically modified herein this Permit.

CLIMATE ACTION PLAN REQUIREMENTS:

12. 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:

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

ENGINEERING REQUIREMENTS:

14. This Permit shall comply with all Conditions of the Final Map for the Tentative Map No.1818213.

15. Prior to the issuance of any construction permit for a building structure, the Owner/Permittee shall assure by permit and bond to construct two (2) new driveways adjacent to site on Atlas Street, per current City Standards, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall remove the existing brick pavers adjacent to the existing driveways on Atlas Street.

17. Prior to the issuance of any construction permit for a building structure, the Owner/Permittee shall remove and replaced damaged sidewalk adjacent to site on Atlas Street per current City Standards, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits for a building structure, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the landscaping and irrigation system adjacent to site on Atlas Street and Stalmer Street.

19. The Owner/Permittee shall obtain a bonded grading permit for the grading proposed for the residential development of 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. 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.

21. 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 SDMC, into the construction plans or specifications.

22. 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. In order to comply with the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order(s), the Project shall consist of all eight residential lots when the Project is analyzed, and shall not be analyzed on a lot by lot basis.

23. 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.

24. 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 I.I.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

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

26. Prior to issuance of any construction permits for Right-of-Way (ROW) improvements, the Owner/Permittee shall submit complete landscape construction documents for ROW 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.

27. Prior to issuance of any construction permits for structures (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 SDMC 142.0403(b)5.

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

29. 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 Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

30. 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.

31. 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:

32. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

33. Prior to the issuance of any residential construction permit, the Owner/Permittee shall provide a copy of a recorded Mutual Access Agreement between all parcels/lots affected, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

34. Prior to any final inspection for the single dwelling units, all proposed "PRIVATE" sewer mains within the Public Right-of-Way (PROW) or public easement must be located and labeled on an approved Construction Record Drawing (D-sheet) so as to clearly convey the following: the sewer line's identity as "PRIVATE"; the diameter, the type of material, its approximate location relative to the nearest property line and sewer manhole; and its authorization to encroach with the approved Encroachment Maintenance and Removal Agreement (EMRA) number.

35. Prior to the issuance of any construction permit for the single dwelling units, all proposed private water facilities within a PROW or public easement must be located and labeled on both the Site Plan and on an approved City Construction Record Drawing (D-sheet). Labels must include the status of each water facility as "PRIVATE", as well as the citation of the executed City approval(s) for the EMRA number.

36. Prior to any final inspection for the single dwelling units, the Owner/Permittee shall ensure that any and all separately titled units developed under this permit, which share water or sewer service connections to the City's public utility systems, are encumbered by covenants, conditions, and restrictions (CC&Rs) written so as to ensure that the operation and maintenance of all such shared water and/or sewer facilities will be provided for in perpetuity, to the satisfaction of the Public Utilities Director.

37. Prior to any final inspection for the single dwelling units, all public water and/or sewer facilities necessary to serve the development (including services and laterals) shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

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 _____, by
Resolution No. _____.

Permit Type/PTS Approval No.: CUP No. 1818204 &
PDP No. 1818203

Date of Approval: _____

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.

**The First Brethren Church of San Diego,
Incorporated**
Owner/Permittee

By _____
Name:
Title:

Blue Centurion Homes
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 JUL 10 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 JUL 10 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.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

311876