

RESOLUTION NUMBER R- 312075

DATE OF FINAL PASSAGE DEC 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING COASTAL DEVELOPMENT
PERMIT NO. 2103481 AND SITE DEVELOPMENT PERMIT
NO. 2103482 FOR EDCO RECOVERY – PROJECT NO. 515674
[MMRP].

WHEREAS, Del Properties LP, Owner, and EDCO Disposal Corporation, Permittee, filed an application with the City of San Diego for Coastal Development Permit No. 2103481 and Site Development Permit No. 2103482 (collectively “Permit”) to upgrade and expand an existing solid waste transfer and recovery facility to improve the sorting and recovering of recyclable waste and maintain operating capacity at 1,500 tons per day, known as the EDCO Recovery project, located at 3608-3698 Dalbergia Street, and legally described as Lots 21 and 22 in block 262 Noel’s Subdivision Map No. 457, Lots 3 through 22 and southeasterly four feet of Lot No. 2 in block 262, Guion’s Addition Map No. 220 and Lots A and B in block 262 of Arlington Map No. 1638, within the City of San Diego, County of San Diego, State of California, in Subdistrict B of the Barrio Logan Planned District (BLPD-SUBD-B) within the Barrio Logan/Harbor 101 Community Plan area; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Diego considered the Permit and pursuant to Resolution No. 4966-PC voted to recommend approval; and

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

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

WHEREAS, the matter was set for public hearing on December 3, 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 Coastal Development Permit No. 2103481 and Site Development Permit No. 2103482:

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

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The project proposes to expand an existing solid waste transfer and recovery facility from 29,550 to 60,680 square feet to increase the sorting and extraction of recyclable material collected from municipal solid waste and for the development of an anaerobic digester to create renewable natural gas or electricity. The 2.03-acre site is located within the Coastal Overlay Zone (Non-Appealable) at 3608-3698 Dalbergia Street in Subdistrict B of the Barrio Logan Planned District (BLPD-SUBD-B) within the Barrio Logan/Harbor 101 Community Plan area within Council District 8.

The Barrio Logan Community Plan designates the site as Residential/Commercial/Industrial. The proposed expansion to the existing industrial use is consistent with the underlying land use designation, which allows for industrial uses. Additionally, the project site is within Subdistrict B of the Barrio Logan Planned District, which is the zone that implements the Community Plan. The proposed expansion is consistent with General Plan policy to maximize waste reduction and diversion by supporting the development of facilities that recycle materials. The proposed expansion is also consistent with the General Plan guidance to maintain an adequate variety of employment opportunities that contribute to a wide range of jobs for the City's residents.

The project is consistent with the Barrio Logan Community Plan policy guidance to improve the environmental and visual quality of industrial development and to control exterior noise, air pollution and dust. The transferring and sorting of recyclable material will be contained indoors, resulting in limited trash or dust exposure to the outside. Additionally, the operations of the anaerobic digester will take place within an enclosed area and will include ventilation systems and biofilter systems which would minimize outdoor odor. The proposed expansion is consistent with the Community Plan guidance that directs industrial development to provide fencing, walls

and orient parking in the form of buffer areas/improved landscaping along the project site so that industrial uses do not detract from the visual quality to existing residential development. The project will be surrounded by a seven-foot high screen wall along Dalbergia Street and Vesta Street with additional screening provided by evergreen trees and shrubs.

The project is consistent with the Community Plan recommendation to include a buffer area with improved landscaping along the north side of the project site where it is adjacent to Interstate 5. The proposed project includes an eight-foot wide landscape buffer, which would include evergreen trees and ground cover, to provide screening along the north side of the solid waste transfer and recovery facility. Therefore, the proposed development will not adversely affect the General Plan and the Barrio Logan/Harbor 101 Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes to expand an existing solid waste transfer and recovery facility from 29,550 to 60,580 square feet to increase the sorting and extraction of recyclable material collected from municipal solid waste and for the development of an anaerobic digester to create renewable natural gas. Mitigated Negative Declaration No. 515674 has been prepared in accordance with the State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program for Air Quality has been prepared and will be implemented which will reduce impacts to below a level of significance.

The proposed project, including review of grading, drainage, architecture, landscape, environmental analysis and provisions of a new driveway, has been designed to conform with the City of San Diego's codes, policies, and regulations with the primary focus of protecting the public's health, safety and welfare. The conditions of approval of the project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would work at the site and within the community. Conditions of approval address driveway, public improvements, landscaping and grading. Storm water impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features, such as source control and treatment control Best Management Practices and the harvesting of storm runoff for use as portable water supply to irrigation, plumbing fixtures, facility misting and transfer truck wash down.

All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Additionally, prior to the issuance of any construction permit, the owner and permittee shall submit the appropriate Solid Waste Facilities Permit Application to the Local Enforcement Agency (LEA) to address the proposed changes to the site and operations. Preceding construction of the project, City staff will review construction plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and accessibility components of the project are designed to adequately protect the public. Therefore, 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 allowable deviations pursuant to the Land

Development Code. Five deviations are being requested as part of the project design: 1) 45-foot driveway along Dalbergia Street where 30 feet is allowed; 2) 35-foot driveway along Vesta Street where 30 feet is allowed; 3) 48-foot building height where the maximum allowed is 35 feet; 4) wall height of 7 feet within street side yard where three feet is allowed; and 5) a reduction in off-street parking spaces where the project requires 29 and is providing 4. The following outlines the deviations and justifications:

Dalbergia Street Driveway Width: SDMC Table 142-05M allows a maximum 30-foot driveway width. The deviation is being requested to allow an increase in the driveway width to allow transfer trucks to make a safe radius turn into the solid waste transfer and recovery facility.

Based on mandates to comply with Assembly Bill (AB) 341 (Solid waste: diversion), all vehicles will need to access one driveway for entry/exit purposes. To do so, and keep vehicle and public safety a priority, the driveway width on Dalbergia Street will need to be 45 feet wide. Reducing the width of the driveway, from the requested 45 feet to the 30-foot standard, will not maintain the safety between vehicles, as a 30-foot width driveway limits a transfer truck (a 53-foot long vehicle) from making a wider turn to avoid the northwest corner of the proposed property and still exit into the northbound lane. A 30-foot width driveway could result in the transfer trucks driving directly over or beyond the driveway flares (almost 15 feet beyond the driveway edge). In addition, the transfer trucks need to orient themselves close to the ramp's retaining wall to align with the narrowed exiting lane. A 45-foot wide driveway, allowing trucks to avoid traversing over the sidewalk and the neighboring driveway, is a safe width for not only the transfer truck, but for public safety on Dalbergia Street.

Vesta Street Driveway Width: SDMC Table 142-05M allows a maximum 30-foot driveway width. The deviation to allow an increase in the width to 35 feet will allow transfer trucks to make a safe radius turn into the solid waste transfer and recovery facility.

The width of the existing access drive is 15 feet. The north side of the alley will be required to facilitate a drainage culvert that collects the watershed from the sloped California Department of Transportation right-of-way coming down from Interstate 5. This culvert will drain south and under the sidewalk. Because of the drainage culvert, and due to the existing sidewalk location and the required return from the edge of driveway for the sidewalk to reconnect to the existing sidewalk location, the driveway cannot be relocated further to the east. A 30-foot driveway width would limit maneuverability in a tight space, causing concerns with vehicles' ability to traverse the driveway and the increased probability of damage to the proposed infrastructure. A transfer truck can traverse into the site and cross the driveway with a 35-foot wide driveway, allowing more flexibility to avoid the rolling gate and concrete masonry unit (CMU) wall, and increasing maneuverability for the truck to enter and back into the adjacent dock.

Building Height: The City of San Diego building height requirements, per SDMC Section 152.0307(e), limit building height to 35 feet. The proposed solid waste transfer

and recovery facility requires a building height of 48 feet to accommodate the needed ceiling height clearances for the processing equipment.

The available site area for the proposed building expansion is limited. To achieve the landfill removal percentage required in accordance with AB 341, which requires the reduction of greenhouse gas emissions by diverting waste from landfills and to reach California's recycling goal of 75 percent by the year 2020, the floor storage space and processing equipment required to process the materials received in the building will need to be designed with vertically stacked equipment. Processing equipment vendors can design the equipment to provide the most efficient layout within the site area constraints, however, to do so the equipment will need to accommodate vertical height. In addition, the roof structure above the equipment will need to support the necessary roof loads for electrical, lighting, fire sprinklers, mechanical equipment, and photovoltaics. A building height of 48 feet will accommodate processing equipment and the needed ceiling height clearances.

Fence/Wall Height: SDMC Section 142.0310(c) limits solid fence/wall heights in required front and street side yards to three feet. The deviation to the fence/wall regulations for a seven-foot high solid wall within a required street side and front yard along a portion of Dalbergia Street and Vesta Street is proposed to screen the processing equipment.

The project proposes to extend the existing concrete masonry unit (CMU) wall along the perimeter of the existing facility to the perimeter of the proposed addition along Vesta Street and partially along Dalbergia Street. The proposed wall will promote a safe work environment while maintaining the architectural integrity of the existing screen wall and the additional height will provide screening of on-site operations. Through conditions in the Permit, the property owner will maintain the wall free from dilapidated or dangerous conditions and in a graffiti-free condition. The City of San Diego Police Department (SDPD) recommended at least a seven-foot high fence to match the existing screen wall along property for security reasons.

Off-Street Parking: The project site is within the Barrio Logan Planned District Subdistrict B and has the land use designation of Residential/Commercial/Industrial. Most of the uses in the vicinity rely on street parking for both employee and visitor parking. The area is primarily industrial and commercial use, with a few residences along Vesta Street and on Dalbergia Street east of Vesta Street. The San Diego Municipal Code states that the parking requirement for Barrio Logan Subdistrict B for industrial spaces, facilities with a majority of floor area dedicated to large equipment, tanks, vessels, and automated machinery, is a minimum parking ratio of 1 parking space per 1,000 square feet of floor area. Applying these rates, a total of 52 parking spaces would be required.

The proposed solid waste transfer and recovery facility will be a use-type facility that includes processing equipment and limited employees. The proposed facility will be operated by a combination of managers, supervisors, and an equipment labor force. To keep pace with the processing of incoming material, the operation will be split into two shifts. Each shift will have a total of 25-28 employees, with some employees staying for

both shifts (i.e. managers and supervisors). There will be a 60-minute window between shifts, which will mitigate any overlap in parking demand.

The preceding development permit CDP No. 8488/SDP No. 8489 required a total of 31 off-street parking spaces for an operational staff count of 12. With the proposed development the operational staff count is estimated to be 29 for the maximum parking demand. Due to existing driveways along Dalbergia Street frontage being removed and only one larger driveway being added at the north portion of the project, an additional 11 spaces will be added to the street parking. The parking and trip generation study conducted by Kimley-Horn, dated Dec. 22, 2017, analyzed the site to determine the existing on-street parking. The study reviewed available on-street parking within a quarter-mile from the site, which was considered an acceptable walking distance for pedestrians. The study indicated there are 295 on-street parking spaces within the study area. Observed available on-street spaces within the preferred areas for Tuesday and Thursday were averaged to determine if there would be enough available parking to accommodate the project. The results show that during the peak mid-day afternoon period the parking demand of 29 spaces generated by the project can be accommodated within the preferred parking supply area, along with on-site parking, with 12 additional parking spaces remaining. Therefore, the projected parking demand from the proposed development to utilize on-street facilities in the area would not impact acceptable parking or traffic levels and no impacts to the commercial or residential neighborhood nearby are anticipated.

Staff analyzed the requested deviations to determine consistency with the goals and recommendations of the General Plan, Barrio Logan/Harbor 101 Community Plan, and the purpose and intent of BLPD-SUBD-B. The proposed deviations will not adversely affect the plans and are appropriate for the site. The deviations are allowed by a Site Development Permit for projects utilizing the Affordable/In-Fill Housing and Sustainable Buildings Regulations from SDMC section 143.0915. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

B. Supplemental Findings – Deviations for Affordable/In-fill Housing Projects and Sustainable Buildings – (SDMC) Section 126.0504(m)

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. The proposed project qualifies for the Affordable Housing/Infill and Sustainable Buildings Expedite Program by generating and materially assisting in reducing impacts associated with fossil fuels energy use by utilizing alternative sustainable fuels sources through renewable technologies. This includes the construction of an anaerobic digestion (AD) facility to create natural gas or electricity. This includes five digester vessels above ground that are mechanically filled with a mix of incoming

materials from the transfer building collected from the public's solid waste. The AD facility will take organics currently in the solid waste stream within the solid waste transfer and recovery facility and make either renewable natural gas or create electrical power. By capturing food waste and green waste that currently enters the solid waste transfer and recovery facility and placing the material into a dedicated chamber, the methane can be harnessed to create suitable energy for either powering vehicles or the creation of electricity to power the site. Renewable natural gas generated from food and green waste has been certified by the California Air Resources Board (CARB) as a carbon negative fuel.

Other sustainable techniques proposed for the project include the use of cool-roof buildings, the installation of rooftop photovoltaic panels, and the use of roof skylights and translucent wall paneling for natural daylighting. The project will exceed the minimum sustainable criteria by targeting a Leadership in Energy and Environmental Design (LEED) Silver rating by creating a sensitive design that utilizes energy efficient means and methods of construction as well as a design that utilizes the local climate through passive solar design features and design elements. Storm water impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features, such as source control and treatment control Best Management Practices and the harvesting of storm runoff for use as portable water supply to irrigation, plumbing fixtures, facility misting, and transfer truck wash down.

Additionally, the landscape design will mostly incorporate pest resistant plants, rain sensor shut-off devices, and a high efficiency irrigation system with state of the art low precipitation rate sprinkler equipment. Electrical outlets on separate circuits will provide electric car charging stations within the parking area. Therefore, the proposed development would materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources and self-generation and other renewable technologies (e.g., photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.

2. The development will not be inconsistent with the purpose of the underlying zone. The 2.03-acre site is located within the Coastal Overlay Zone (Non-Appealable) at 3608-3698 Dalbergia Street in Subdistrict B of the Barrio Logan Planned District (BLPD-SUBD-B) within the Barrio Logan/Harbor 101 Community Plan area. The proposed project is subject to the Barrio Logan Planned District Ordinance (BLPDO) and the Affordable Housing, In-fill Projects, Sustainable Buildings Development Regulations (Chapter 14, Article 3, Division 9) at the time that the project application was deemed complete on August 17, 2017, which qualified the project for the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

San Diego Municipal Code (SDMC) section 143.0920 allows an applicant to request deviations from the regulations for Affordable/In-Fill Housing and Sustainable Buildings in accordance with Section 143.0915 pursuant to a Site Development Permit, as long as the decision maker makes the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504(m).

As noted and described previously in Site Development Permit finding A.3, five deviations are being requested as part of the project design. The purpose and intent of the Barrio Logan Planned District states: “It is the purpose of these regulations to provide development criteria and urban design standards for the erection, construction, establishment, addition, enlargement, conversion, demolition, move on, alteration or rehabilitation of quality residential, commercial, industrial, public and quasi-public developments related to the small lot configuration and the urbanization pattern of the Barrio Logan community.” The Project will enlarge and rehabilitate an existing industrial use, and will contribute to the City of San Diego’s Climate Action Plan by helping reduce solid waste to the City’s landfills by 75 percent in 2020. Therefore, the development will not be inconsistent with the purpose of the underlying zone.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. As outlined in Site Development Permit finding A.3 listed above, 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.

II. COASTAL DEVELOPMENT PERMIT – (SDMC) SECTION 126.0708

A. Findings for all Coastal Development Permits

1. The proposed coastal development will not encroach upon any existing physical access way 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 proposed development is contained within the existing boundary of private property. The nearest public access to the Pacific Ocean is located at San Diego Harbor approximately a half mile to the west. The property is not located between the sea and the first public roadway paralleling the sea. The site does not contain intermittent or partial vistas, viewsheds or scenic overlooks as identified within the adopted Barrio Logan/101 Harbor Community Plan and Local Coastal Program Land Use Plan, nor are there existing or potential views to the ocean through the site. The proposed development conforms to the height and density requirements of the San Diego Municipal Code and the Barrio Logan/Harbor 101 Community Plan. The development does not impact any public views to or along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project site does not contain Environmentally Sensitive Lands as defined in SDMC section 113.0103. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. 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. As outlined in Site Development Permit finding I.A.1, listed above,

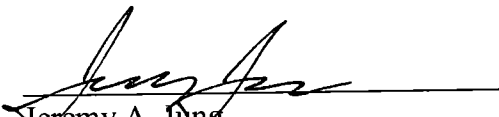
the proposed coastal development is in conformity with the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

4. 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 project site is located east of Harbor Drive (First Public Roadway) and is not located within the first public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Therefore, the project is in compliance with Chapter 3 of the California Coastal Act.

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. 2103481/Site Development Permit No. 2103482 is granted to Dell Properties LP, Owner, and EDCO Disposal Corporation, 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 
Jeremy A. Jung
Deputy City Attorney

JAJ:nja
11/08/18
Or. Dept: DSD
Doc. No.: 1874301

Attachment: Coastal Development Permit No. 2103481/Site Development Permit
No. 2103482

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: 24007044

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2103481
SITE DEVELOPMENT PERMIT NO. 2103482
EDCO RECOVERY PROJECT NO. 515674 MMRP
[AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 8488 AND
SITE DEVELOPMENT PERMIT NO. 8489]
CITY COUNCIL

This Coastal Development Permit No. 2103481 and Site Development Permit No. 2103482 [amendment to Coastal Development Permit No. 8488 and Site Development Permit No. 8489] (collectively "Permit") is granted by the City Council of the City of San Diego to DEL PROPERTIES, LP, Owner, and EDCO DISPOSAL CORPORATION, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702, 126.0502, and 152.0202. The 2.03-acre site is located at 3608-3698 Dalbergia Street in Subdistrict B of the Barrio Logan Planned District (BLPD-SUBD-B) within the Barrio Logan/Harbor 101 Community Plan area within the Coastal Overlay Zone (Non-Appealable Area 2). The project site is legally described as: Lots 21 and 22 in block 262 Noel's Subdivision Map No. 457, Lots 3 through 22 and southeasterly four feet of Lot No. 2 in block 262, Guion's Addition Map No. 220 and Lots A and B in block 262 of Arlington Map No. 1638, within the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to upgrade and expand an existing solid waste transfer station to improve the sorting and recovering of recyclable waste and maintain operating capacity at 1,500 tons per day described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 3, 2018 on file in the Development Services Department.

The project shall include:

- a. The expansion of a solid waste transfer station from 29,550 square feet to 60,680 square feet to accommodate a mechanized processing line to remove recyclable material;
- b. Deviations:
 - i. A 45-foot wide driveway along Dalbergia Street where a maximum of 30 feet in width is allowed in accordance with San Diego Municipal Code (SDMC) Section 142.0560, Table 142-05M.

- ii. A 35-foot wide driveway along Vesta Street where a maximum of 30 feet in width is allowed in accordance with SDMC Section 142.0560, Table 142-05M.
 - iii. A building height of 48 feet where 35 feet is the maximum height allowed in accordance with SDMC Section 152.0307(e).
 - iv. A wall height of seven feet within the street side yard setback where three feet is the maximum height allowed in accordance with SDMC Section 142.0310(c).
 - v. A total of 4 off-street parking spaces provided where 29 parking spaces are required in accordance with SDMC Chapter 14, Article 2, Division 5.
- c. Landscaping (planting, irrigation and landscape related improvements);
 - d. Off-street parking;
 - e. Hours of Operation: Internal processing hours 24 hours per day and receiving hours 5:00 a.m. to 7:00p.m., Monday through Sunday;
 - b. The development of an anaerobic digester system from biomass to produce renewable natural gas or electricity;
 - c. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate a portion of the project's projected energy consumption; and
 - d. 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 December 3, 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 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 every condition 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 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. 515678 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. 515678 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: Air Quality

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.

ENGINEERING REQUIREMENTS:

15. The Site Development Permit and Coastal Development Permit shall comply with all Conditions of the Parcel Map for the Tentative Map Waiver No. 2203529.

16. The project proposes to export 6,000 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.

17. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

18. 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.
19. 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 underdrain/curb outlets in the Dalbergia Street Right-of-Way.
20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the existing trees in the Dalbergia Street Right-of-Way.
21. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard driveway, adjacent to the site on Dalbergia Street, satisfactory to the City Engineer.
22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard driveway, adjacent to the site on Vesta Street, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Dalbergia and Vesta Street, 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 the damaged portions of the curb with current City Standard curb and gutter, adjacent to the site on Dalbergia and Vesta Street, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the removal of existing driveways, per Exhibit "A", and replace it with curb, gutter and sidewalk per City Standard, adjacent to the site on Dalbergia Street, satisfactory to the City Engineer.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance, satisfactory to the City Engineer.
27. 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.
28. 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.

29. 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.

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

31. Prior to the issuance of any construction permit, the Owner/Permittee shall vacate the Alley Right-of-Way between Una Street and Vesta Street, per Exhibit "A", satisfactory to the City Engineer.

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 always. 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.

36. The Owner/Permittee shall maintain the perimeter concert masonry screen wall free from dilapidated or dangerous conditions and in a graffiti-free condition.

PLANNING/DESIGN REQUIREMENTS:

37. The Owner/Permittee shall maintain a minimum of four off-street parking spaces on the property always in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply with the San Diego Municipal Code (SDMC) and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
38. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
39. Prior to the issuance of any construction permit, the owner shall submit the appropriate Solid Waste Facilities Permit Application to the Local Enforcement Agency (LEA) to address the proposed changes to the site and operations in accordance with 27CCR 21620. LDR-Planning shall ensure LEA has received the appropriate material for compliance with 27CCR 21620.
40. Prior to the recordation of a Parcel Map the Subdivider shall relocate all utilities located in the unnamed alley adjacent to the site.
41. 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

42. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code as shown on Exhibit 'A' and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.
43. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond to stripe 11 new diagonal parking stalls on the project site frontage on Dalbergia Street, as shown on Exhibit "A", satisfactory to the City Engineer. The improvement shall be completed prior to first occupancy.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

44. Prior to issuance of any engineering permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, landscaping, enriched paving, and electrical conduits to be installed within the public- right-of-way or public easement.
45. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention devices (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPD's are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

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

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure all water and sewer facilities required by the Public Utilities Department necessary to serve this development and assure them by permit and bond.

48. Prior to the issuance of any building permits, the Owner/Permittee shall obtain approval from City of San Diego Industrial Waste Discharge Permit for connecting the site processing discharge into the sewer system.

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

50. All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

51. All on-site water and sewer facilities shall be private.

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

53. Prior to the issuance of any building permits, the Owner/Permittee shall convert the sewer lateral for the adjacent property located at 3602 Dalbergia Street as outlined in the letter from the property owner, Mr. Lewis Wise, dated April 18, 2018, from a public sewer facility to a private sewer facility.

GEOLOGY REQUIREMENTS:

54. 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.

55. Prior to issuance of any construction permits, 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

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 December 3, 2018.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes
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.

EDCO DISPOSAL CORPORATION, a California
corporation,
Permittee

By _____
Steve South, President

Del Properties, LP,
Owner

By _____
Steve South

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

Passed by the Council of The City of San Diego on DEC 03 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 DEC 03 2018

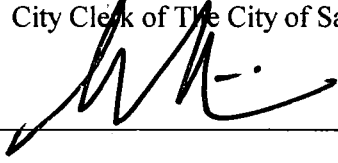
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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-

312075