

RESOLUTION NUMBER R- 312080
DATE OF FINAL PASSAGE DEC 03 2018

ITEM#209C
12/3/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT NO. 1976637 AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2179090 FOR HILLTOP/ EUCLID MIXED-USE DEVELOPMENT PROJECT - PROJECT NO. 560527.

WHEREAS, the City of San Diego, a California Municipal Corporation, Owner, and Affirmed Housing Group, Inc., a Delaware Corporation, Permittee, filed an application with the City of San Diego for a Site Development Permit and Neighborhood Development Permit for the construction of a mix-use development containing 8,485 square feet of commercial space and 113 apartment units that would be set aside for low income (rent that does not exceed 30 percent of 60 percent of the area median income (AMI)) and very low income (rent that does not exceed 30 percent of 50 percent of the AMI), 20 market-rate single-family dwelling units, and 27 market-rate two-and three-story townhomes units known as the Hilltop/Euclid Mixed-Use Development project, on a 9.38-acre site located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, between Hilltop Drive and the 94 and west of Euclid Avenue, in the CN-1-4 and RM-1-2 Zones within the Encanto Neighborhood Community Plan, the Community Plan Implementation Overlay Zone-A (CPIOZ-A), Transit Priority Areas, and the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) as depicted in the adopted 2014 Airport Land Use Compatibility Plan (ALUCP); and

WHEREAS, the project site is legally described within Exhibit 1, which is an attachment to Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Diego considered Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090, and pursuant to Resolution No. 4967-PC voted to recommend City Council approve the Permit; and

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

WHEREAS, the matter was set for public hearing on 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 Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090:

A. **SITE DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0505**

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

a. **The proposed development will not adversely affect the applicable land use plan.** The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The project site is in the CN-1-4 and RM-1-2 zones and the Community Plan Implementation Overlay Zone A (CPIOZ-A) within the Encanto Neighborhoods Community Plan area, and the Transit Priority Areas. The General Plan designates the western portion of the site as Residential and eastern portion Multiple Use. The community plan designates the western portion of the site as Residential-Medium use at 15-29 dwelling units per acres (du/ac) and the eastern portion as Neighborhood Mixed Use-Medium Residential use at 30-44 du/ac. The Neighborhood Mixed Use designation is intended to provide convenience shopping and services and housing in a mixed-use setting, as well as civic uses, within generally half-mile of a Trolley stop, as well as focused locations. The project site is located approximately 1,890 feet or less than a half-mile

from the Euclid Avenue Station Transit Center, which includes the San Diego Trolley stop (Orange Line) and eight bus stops (Bus Routes 3, 4, 5, 13, 60, 916, 917, and 955).

The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construct a raised center median along the project's frontage on Euclid Avenue, and restore and enhance the drainage feature as an amenity that functions as a focal point of the site.

The project is located within the community's Village District, which is envisioned as an activity center with increased density, a mix of diverse uses that are located in close proximity to one another, and design that promotes multi-modal activity. The project contributes to the vision for the Village District through an integrated mix of residential and commercial uses, ground-floor commercial that interacts with the street, building orientation and design that enhances the pedestrian environment, and green spaces that engage users while contributing to community character.

The proposed design prioritizes connectivity throughout the site, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. The pedestrian environment is enhanced with a pedestrian bridge that allows users to engage with the restored drainage feature that runs through the site, connecting the residential component to the mixed-use component of the site. The proposed pedestrian bridge will not only increase connectivity but will enhance the drainage feature as an amenity that functions as a focal point of the site.

Euclid Avenue is identified by the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure. The project proposal's strong pedestrian focus, building orientation, and active frontage along Euclid Avenue will implement the vision for this vital corridor. Further, the Encanto Neighborhoods Community Plan references the Euclid Avenue Gateway Master Plan which recommends improvements to balance the needs of all modes of travel along the corridor, resulting in a welcoming roadway that enhances connectivity. The proposed project aims to implement this plan through the recommended continuation of Hilltop Drive, the addition of a buffered bike lane, as well as enhancements to the existing bus stop, and other streetscape improvements.

The project would implement the specific General Plan policy for Mixed-Use Villages (UD-C.2.) which recommends designing village centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points. The proposed project would provide pedestrian-friendly access points throughout the site design and integrate building orientation, façade, and landscaping that enhances the pedestrian environment.

The purpose of the General Plan's Mobility Element is to improve mobility through development of a balanced, multi-modal transportation system. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design, and a safe and comprehensive local and regional bikeway network. As previously discussed, the proposed project would increase pedestrian access and comfort by providing multiple points of access within and through the site, in addition to streetscape improvements that will improve bicycle and pedestrian access to points of interest. Therefore, for these reasons, the development would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two- and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construct a raised center median along the project's frontage on Euclid Avenue, and restore and enhance the drainage feature as an amenity that functions as a focal point of the site.

The buildings along Euclid Avenue includes above-grade balconies and roof eaves, and the project is required to dedicate 14 feet public right-of-way (ROW). Post-dedication, the balconies and roof eaves would be encroaching in the ROW and requires a Neighborhood Development Permit pursuant to SDMC Section 129.0710(a)(9). Post-dedication, the above-grade balconies and roof eaves would still meet the minimum eight-foot clearance height requirement, as measured from the finished grade of the curb line.

Addendum No. 560527 to Program Environmental Impact Report (PEIR) No. 386029/SCH No. 2014051075 prepared for the Southeastern San Diego Community Plan and Encanto Neighborhoods Community Plan updates has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project.

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 within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Site Development Permit (SDP) No. 1976637 and Neighborhood Development Permit (NDP) No. 2179090, and other regulations and guidelines pertaining to the subject property per the SDMC for the project site. 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 to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construct a raised center median along the project's frontage on Euclid Avenue, and restore and enhance of the drainage feature as an amenity that functions as a focal point of the site.

The buildings along Euclid Avenue includes above-grade balconies and roof eaves, and the project is required to dedicate 14 feet public right-of-way (ROW). Post-dedication, the balconies and roof eaves would be encroaching in the ROW and requires a Neighborhood Development Permit pursuant to SDMC Section 129.0710(a)(9). Post-dedication, the above-grade balconies and roof eaves would still meet the minimum eight-foot clearance height requirement, as measured from the finished grade of the curb line.

The proposed development includes on-site affordable housing units and qualifies as an affordable housing development pursuant to SDMC Chapter 14, Article 3, Division 9-Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations. An applicant may request deviations from the applicable development regulations in accordance with SDMC Section 143.0920 pursuant to a Neighborhood Development Permit decided in accordance with Process Two provided that the findings are made and the deviation results in a more desirable project. The following are the proposed deviations and justification for each of the requested deviations:

1. A deviation from SDMC Section 131.0540(c)(1) - Ground Floor Restrictions, to allow residential use and residential parking within the front half of Lot 51 for Building A, measured from Hilltop Drive, where residential use and residential parking is prohibited on the ground floor in the front half of the lot.

Lot 51 contains the proposed mix-use development and has frontage along Hilltop Drive and Euclid Avenue, and the front yard setback for this lot is along Hilltop Drive. The northern portion of the ground floor of Building A contains the lobby area, laundry facilities, and the lounge area for the residential units above, and a few of the residential parking spaces are located on the northwestern side of the building's parking lot, north of Private Drive D. The residential use is located approximate 173 feet from Hilltop Drive.

Euclid Avenue is identified in the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and

capitalize on the existing transit infrastructure. The proposed design prioritizes connectivity throughout the site and building orientation adjacent to Euclid Avenue, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. However, due to the constraints of the natural land forms, and the restoration and enhancement of the drainage feature, the site is limited on the placement of the uses and access to the residential units. The project proposal to include a small portion of the residential uses within front yard setback further enhances the strong pedestrian focus and active frontage toward and along Euclid Avenue, which further implements the vision for this vital corridor.

2. A deviation from SDMC Section 131.0444(e) and Table 131-04G - Building Height, to allow for a 36-foot building height for a portion of Building C that is in the RM-1-2 zone and a 35-foot building height for the three-story townhomes, where the RM-1-2 zone permits a maximum height of 30 feet.

Approximately one-third of Building C is located in the RM-1-2 zone which has a maximum allowed height of 30 feet and the remaining portions of the building is located within the CN-1-4 zone which has a maximum allowed height of 60 feet. Building C has a proposed 36-foot building height and the requested six-foot height deviation is to allow for the uniformity in the building structure and access to the floors. Without the deviation, the project would lose three low income and very low income affordable apartment units on the third floor. This portion of the building is located within the interior portion of Lot 51 and is separated from the single-family dwelling units by the restored and enhanced drainage feature, and would have no visual impacts from the public right-of-way or the adjacent properties.

In addition, the townhomes are located within the RM-1-2 zone which has a maximum allowed height of 30 feet. The three-story townhomes have a proposed 35-foot building height to allow for a pitched roof for Lots 7-12 and Lots 36-42. This roof design matches the other two-story townhomes and single-family dwelling units, and distinguishes them from the mix-use development. The three-story townhomes lots are located within the interior portion of the subdivision and adjacent to the restored and enhanced drainage feature. The location of these units provides for a visual differential from the higher mixed-use development to the east and the two-story townhomes and single-family dwelling units that are on the perimeter along Hilltop Drive and the western property line.

3. A deviation from SDMC Table 131-04G - Minimum Lot Area, to allow for reduced minimum lot area for the single-family dwelling units (2,170- through 3,431-square-foot lots) and townhomes lots (987 through 1,197-square-foot lots), where a minimum 6,000 square feet is required for each lot within the RM-1-2 zone.

The 6,000-square foot minimum lot standard for the RM-1-2 zone was intended to accommodate lower density multiple dwelling units with some characteristics of single dwelling units, at a density of one dwelling unit for each 2,500 square feet of lot area. The proposal is for single dwelling unit development, which allows a maximum of one dwelling unit per lot. As such, the smaller lots proposed within the single dwelling unit portion of the project site will be appropriate for the detached single-family dwelling units and single-family townhome-style development. The detached single-family dwelling units and townhomes will be accessed by

private drives, pedestrian paths, and surrounded by HOA-maintained common lots. In addition, the reduced lot sizes will provide a space-efficient and economical alternative to traditional single dwelling unit development. Each of the residential lots contain a small private exterior useable space, while the areas outside to the private lots would be maintained by the HOA. It is also the intent of the project to provide a pedestrian-friendly development that is consistent with the surrounding neighborhood character. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

4. A deviation from SDMC Table 131-04G - Minimum Lot Dimensions, to allow for reduced minimum lot dimensions for the single-family dwelling units and townhomes lots, where a minimum 50-foot width, 90-foot depth, and a 50-foot street frontage is required for each lot within the RM-1-2 zone.

The minimum 50-foot width, 90-foot depth, and 50-foot street frontage requirements for lots in the RM-1-2 zone were intended to accommodate lower density multiple dwelling units with some characteristics of single-family dwelling units, with access directly from a public right-of-way. The deviation to street frontage will allow for a more efficient use of land by allowing all single-family dwelling units to be accessed by private drives in lieu of a public street. The deviations to lot width and depth will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development, where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

5. A deviation from SDMC Section 131.0443 (d) and Table 131-04G - Setback Requirements in Residential Zones, to allow for reduced minimum setbacks for the single-family dwelling units and townhomes lots, where a minimum 15 feet and 20 feet standard is required for the front yard setback, a minimum 5 feet and 8 feet standard is required for the side yard setback, and a minimum 15 feet is required for the rear yard setback (no alley) in the RM-1-2 zone.

Although horizontal separation between interior buildings will be reduced below the underlying zone requirement, the comprehensive development will observe setbacks from the abutting public right-of-way and from adjacent properties consistent with and exceeding those of the underlying zone. HOA-maintained common Lot 48 will provide a 20-foot separation between the proposed single dwelling units and the Hilltop Drive right-of-way, consistent with the RM-1-2 standard front yard setback requirement of 20-feet. Common Lot 48 will provide a 10-foot separation between the proposed single dwelling units and the existing single-family

neighborhood to the west, which exceeds the RM-1-2 side setback allowance of five feet along one side of the property. Common Lot 48 will also provide a 15-foot separation between the proposed single dwelling units and the San Diego Unified School District property to the north, consistent with the RM-1-2 rear yard setback requirement of 15-feet.

The setback deviations will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development, where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

6. A deviation from SDMC Section 142.0525(d) - Minimum Required Parking Without a 20-foot Driveway, to not require one additional parking space for the townhome lots containing a seven-foot long driveway, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, where the regulation requires one additional parking space for each townhome since the driveways are less than 20 feet.

One of the purposes of the requirement for a 20-foot driveway depth is to allow parking on a driveway without encroachment into the public right-of-way and impeding public pedestrian circulation. Vehicular access to all single dwelling unit properties will be from private drives and not directly from the public right-of-way. All single dwelling unit properties have pedestrian access separated from the vehicular access and the private drives will serve the vehicles.

Another purpose of the 20-foot driveway depth is to accommodate additional parking. Besides the 12 additional on-site guest parking spaces, the project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue. With this extension, the project would be installing full public improvements along the northern portion of Hilltop Drive, thus providing additional public parking spaces within the public right-of-way.

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 commercial lot for residential use, while meeting the purpose and intent of the development regulations. 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 Land Development Code (LDC). In addition, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in

economically balanced communities by constructing 113 low income and very low income affordable apartment units on-site.

2. Supplemental Findings SDMC Section 126.0505(b) – Environmentally Sensitive Lands:

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The topography of the project site is varied, consisting of a flat mesa and a ravine area that is bisected by a small unnamed drainage feature. The project site and drainage does not provide suitable habitat to support special-status plant or wildlife species and has minimal function or value as sensitive habitat. Nonetheless, the drainage is subject to the jurisdiction of the state and federal regulatory agencies. Any proposed development in areas identified as jurisdictional waters will be subject to the permit requirements of the USACE, under Section 404 of the Clean Water Act (CWA), Regional Water Quality Control Board (RWQC) under Section 401 of the CWA and Porter-Cologne Water Quality Act and a SAA from California Department of Fish and Wildlife (CDFW) pursuant to Section 1600 et. seq. of the California Fish and Game Code (CFGC). The unnamed drainage contains approximately 0.13 acre of arundo (*Arundo donax*)-dominated riparian habitat subject to the jurisdiction of CDFW but is not considered a City wetland. The drainage would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function.

The site is located within the boundaries of the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan but is not within a Multi-Habitat Planning Area (MHPA) or the Coastal Zone. The project would not result in significant impacts to special-status plant or wildlife species, including MSCP covered species and narrow endemic species. The project will directly impact two sensitive vegetation communities; coastal sage scrub and non-native grassland. To offset project impacts to Diegan coastal sage scrub and non-native grassland, approximately 1.07 acres of ecologically valuable habitat will be mitigated offsite through payment into the City of San Diego's Habitat Acquisition Fund (Fund #10571).

The drainage contains approximately 0.07 acre of non-wetland waters potentially subject to the jurisdiction of the USACE and RWQCB. CDFW jurisdictional limits of the on-site drainage were delineated at the outer edge of stream- dependent vegetation. The unnamed drainage contains approximately 0.52 acre of streambed and stream-associated habitat subject to the jurisdiction of CDFW. The unnamed drainage does not qualify as a City wetland because it was not historically a naturally occurring wetland and has only accumulated invasive hydrophytic vegetation as a result of past human disturbance. The project applicant will pursue project specific permits issued by the resource agencies for impacts to resources associated with the drainage.

The drainage could possibly be used as a local wildlife travel route for common species. However, the habitat onsite has been reduced to small, fragmented, and low-quality stands with limited to no access to any substantial habitat within the project site and immediate vicinity. Therefore, the project site does not contain areas important for wildlife movement.

The proposed single-family dwelling units and townhomes portion of the project would be constructed on the flat mesa that is west of the drainage feature, and the mixed-use development would be constructed on the flat mesa that is east of the drainage feature. As stated above, the drainage feature would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function. Based on the foregoing analysis and information, the site is physically suitable for the design and siting of the proposed development and the development would be mitigated offsite for the disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed single-family dwelling units and townhomes portion of the project would be constructed on the flat mesa that is west of the drainage feature, and the mixed-use development would be constructed on the flat mesa that is east of the drainage feature. As outlined in SDP Finding (A)(2)(a) listed above, the drainage feature would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function.

The project site is located within geologic hazard zone 52 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk. The project site is located above the 100-year floodplain. The on-site graded area would be 404,594 square feet. Off-site improvements would require grading approximately 16,940 square feet. Cut and fill quantities would be approximately 35,900 cubic yards. All material would be balanced on-site. The maximum height of fill slopes would be 22 feet at a 2:1 ratio. The maximum height of the cut slopes would be 8 feet at a 2: 1 ratio.

Further, the project site is bordered immediately by Euclid Avenue and commercial and residential uses to the east, residential uses to the west, commercial uses to the north, and by both Hilltop Drive (as well as a portion that is a paper street) and residential uses to the south. The project site is situated in an area currently served by existing public services and utilities, including fire services. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed single-family dwelling units and townhomes portion of the project would be constructed on the flat mesa that is west of the drainage feature, and the mixed-use development would be constructed on the flat mesa that is east of the drainage feature. As outlined in SDP Finding (A)(2)(a) listed above, the drainage feature would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function.

The site is within an urbanized area and contains some site improvements, such as concrete slabs and six driveways, the majority of the site contains a mixture of nonnative and native vegetation with disturbed and ornamental areas containing patches of eucalyptus woodland and disturbed coastal sage scrub, non-native grassland, and an unnamed ephemeral

drainage feature with a small patch of arundo. The project would be consistent with the requirements of the Environmentally Sensitive Regulations as well as the Biology Guidelines. The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. In addition, the project would not conflict with the City's MSCP, in that the site is not located within or adjacent to the MHPA.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP). The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The site is located within the boundaries of the City of San Diego's MSCP Subarea Plan but is not within the MHPA or the Coastal Overlay Zone. The project would not result in significant impacts to special-status plant or wildlife species, including MSCP covered species and narrow endemic species. The project will directly impact two sensitive vegetation communities; coastal sage scrub and non-native grassland. To offset project impacts to Diegan coastal sage scrub and non-native grassland, approximately 1.07 acres of ecologically valuable habitat will be mitigated offsite through payment into the City of San Diego's Habitat Acquisition Fund (Fund #10571). The project site does not contain any vernal pools and not subject to the Vernal Pool Habitat Conservation Plan (VPHCP).

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The project site is located approximately 3.5-miles from the San Diego Bay, and would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Addendum No. 560527 to PEIR No. 386029/SCH No. 2014051075 prepared for the Southeastern San Diego Community Plan and Encanto Neighborhoods Community Plan updates has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project.

B. NEIGHBORHOOD DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0404

1. Findings for all Neighborhood Development Permits SDMC Section 126.0404(a):

a. The proposed development will not adversely affect the applicable land use plan. As outlined in SDP Finding (A)(1)(a) listed above, the project is consistent with

the goals, objectives, and proposals of the Encanto Neighborhoods Community Plan and the General Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. As outlined in SDP Finding (A)(1)(b) listed above, the permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.

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. As outlined in SDP Findings (A)(1)(c) listed above, the project includes deviations to the ground floor restrictions, building height, minimum lot area, minimum lot dimensions, setbacks, and minimum required parking without a 20-foot driveway. 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 vacant lot as a mixed-use development, while meeting the purpose and intent of the development regulations. The project would further the City's affordable housing goals by constructing 113 low income and very low income affordable apartment units on-site.

2. Supplemental Findings SDMC Section 126.0404(f) – Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation:


a. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities. As outlined in SDP Findings (A)(1)(a) listed above, the project is consistent with the goals, objectives, and proposals of the Encanto Neighborhoods Community Plan and the General Plan. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities by constructing 113 low income and very low income affordable apartment units on-site.

b. Any proposed deviations are appropriate for the proposed location. As outlined in SDP Findings (A)(1)(c) listed above, the project includes deviations to the ground floor restrictions, building height, minimum lot area, minimum lot dimensions, setbacks, and minimum required parking without a 20-foot driveway. 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 vacant lot as a mixed-use development, while meeting the purpose and intent of the development regulations. The project would further the City's affordable housing goals by constructing 113 low income and very low income affordable apartment units on-site.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090 are granted to The City of San Diego, a California Municipal Corporation, Owner, and Affirmed Housing Group, Inc., a Delaware 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 

Corinne L. Neuffer
Deputy City Attorney

CLN:als
11/15/2018
Or.Dept:DSD
Doc. No.: 1874407

Attachment: Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090

**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: 24007367

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SITE DEVELOPMENT PERMIT NO. 1976637
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2179090
HILLTOP/EUCLID MIXED-USE DEVELOPMENT PROJECT - PROJECT NO. 560527
CITY COUNCIL**

This Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090 is granted by the City Council of the City of San Diego to The City of San Diego, a California Municipal Corporation, Owner, and Affirmed Housing Group, Inc., a Delaware Corporation, Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0505 and 126.0404. The 9.38-acre site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, between Hilltop Drive and the 94 and west of Euclid Avenue, in the CN-1-4 and RM-1-2 Zones within the Encanto Neighborhood Community Plan, the Community Plan Implementation Overlay Zone-A (CPIOZ-A), Transit Priority Areas, and the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) as depicted in the adopted 2014 Airport Land Use Compatibility Plan (ALUCP). The project site is legally described within attached Exhibit 1;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for the construction a mix-use development containing 8,485 square feet of commercial space and 113 apartment units, 20 market-rate single-family dwelling units, and 27 market-rate two-and three-story townhomes 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. Construction of a mix-use development containing 8,485 square feet of commercial space and 113 apartment units that would be set aside for low income (rent that does not exceed 30 percent of 60 percent of the area median income (AMI)) and very low income (rent that does not exceed 30 percent of 50 percent of the AMI), 20 market-rate single-family dwelling units, and 27 market-rate two-and three-story townhomes on a 9.38-acre vacant lot;
- b. Deviations from the SDMC:

1. A deviation from SDMC Section 131.0540(c)(1) - Ground Floor Restrictions, to allow residential use and residential parking within the front half of Lot 51 for Building A, measured from Hilltop Drive, where residential use and residential parking is prohibited on the ground floor in the front half of the lot;
 2. A deviation from SDMC Section 131.0444(e) and Table 131-04G - Building Height, to allow for a 36-foot building height for a portion of Building C that is in the RM-1-2 zone and a 35-foot building height for the three-story townhomes, where the RM-1-2 zone permits a maximum height of 30 feet;
 3. A deviation from SDMC Table 131-04G - Minimum Lot Area, to allow for reduced minimum lot area for the single-family dwelling units (2,170- through 3,431-square -foot lots) and townhomes lots (987- through 1,197-square-foot lots); where a minimum 6,000 square feet is required for each lot within the RM-1-2 zone;
 4. A deviation from SDMC Table 131-04G - Minimum Lot Dimensions, to allow for reduced minimum lot dimensions for the single-family dwelling units and townhomes lots; where a minimum 50-foot Width, 90-foot Depth, and a 50-foot street frontage is required for each lot within the RM-1-2 zone;
 5. A deviation from SDMC Section 131.0443 (d) and Table 131-04G - Setback Requirements in Residential Zones, to allow for reduced minimum setbacks for the single-family dwelling units and townhomes lots; where a minimum 15 feet and 20 feet standard is required for the front setback, a minimum 5 feet and 8 feet standard is required for the side setback, and a minimum 15 feet is required for the rear setback (no alley);
 6. A deviation from SDMC Section 142.0525(d)- Minimum Required Parking Without a 20-foot Driveway, to not require one additional parking space for the townhomes lots containing a seven-foot long driveway, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A; where the regulation requires one additional parking space for each townhome since the driveways are less than 20 feet.
- c. Encroachment within the public right-of-way (ROW) to allow for above-grade balcony and roof eave (post-dedication) along Euclid Avenue pursuant to SDMC Section 129.0710(a)(9);
 - d. Landscaping (planting, irrigation and landscape related improvements);
 - e. Off-street parking;

- f. The project would include various recreational amenities including a community swimming pool, basketball court, gardening space, community room, outdoor gathering areas, and a pedestrian plaza; and
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by 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 Permittee shall secure all necessary building permits. The 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 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 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 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 Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the 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, 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 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 Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

13. The mitigation measures specified in the MMRP and outlined in Addendum No. 560527 to Program Environmental Impact Report No. 386029/SCH No. 2014051075, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Permittee shall comply with the MMRP as specified in Addendum No. 560527 to Program Environmental Impact Report (PEIR) No. 386029/SCH No. 2014051075, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Noise
- Transportation/Circulation
- Biological Resources
- Paleontological Resources

CLIMATE ACTION PLAN REQUIREMENTS:

15. 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:

16. Provide evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") approved by the City Council of the City of San Diego, demonstrating that the Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.1303(g) because the Permittee is voluntarily pursuing and receiving tax credits, multifamily housing bonds, below market interest rate government agency loans, and/or grants to facilitate the construction of the development.

17. Prior to issuance of the first residential building permit, the Permittee shall enter into a written exemption agreement with the San Diego Housing Commission demonstrating that the project is exempt from the payment of the Inclusionary Affordable Housing Fee as set forth in

the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual, which are acceptable to the San Diego Housing Commission.

AIRPORT REQUIREMENTS:

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

GEOLOGY REQUIREMENTS:

19. The 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.

20. The 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:

21. This Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090 shall comply with all Conditions of the Final Map for the Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097.

22. Prior to the issuance of any building permits, the Permittee shall grant the City of San Diego a five-foot Public Pedestrian Access Easement to accommodate a current State Accessibility Compliant path of travel and current City Standards as shown on the approved Exhibit "A," satisfactory to the City Engineer.

23. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the closure of the non-utilized driveways adjacent to site on Euclid Avenue with current City Standard curb, gutter and sidewalk, satisfactory to the City Engineer.

24. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the construction of a new 26-foot driveway per current City Standards, adjacent to the site on Euclid Avenue, satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the construction of a new bus stop slab per current City Standards, adjacent to the site on Euclid Avenue, satisfactory to the City Engineer.

26. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the construction of two new driveways, 26 feet and 30 feet as shown on the approved Exhibit "A," per current City Standards, adjacent to the site on Hilltop Drive, satisfactory to the City Engineer.

27. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

28. The project proposes to export no material from the project site. Any excavated material that is 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.

29. Prior to the issuance of any building permits, the Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

30. The drainage system for this project will be subject to approval by the City Engineer.

31. Prior to the issuance of any construction permit, the Permittee shall obtain a recorded City of San Diego Public Storm Drain Easements for all public storm drains located on private properties satisfactory to the City Engineer.

32. Prior to the issuance of any construction permit, the Permittee shall assure, by permit and bond, the construction of the Public Storm Drain system as shown on the approved Exhibit "A," satisfactory to the City Engineer.

33. Prior to the recordation of the Vacation Exhibit for the existing non-utilized public storm drain easement, the applicant 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.

34. Prior to the issuance of any building permits, the Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for landscape and irrigation in Euclid Avenue and Hilltop Drive right-of-way.

35. Prior to the issuance of any building permits, the Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all private connections to public storm drain systems.

36. Prior to the issuance of any building permits, the Permittee shall obtain an Encroachment Maintenance Agreement, from the City Engineer, for the projecting balconies in the Euclid Avenue Right-of-Way.

37. Prior to the issuance of any building permit, the Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of public drainage entering into the property from the Right-of-Way.

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

39. Prior to the issuance of any construction permit, the 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.

40. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

41. 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.

42. 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. 2009-0009DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

43. Prior to issuance of any engineering permits for grading, the 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, Storm Water 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.

44. Prior to issuance of any engineering permits for right-of-way improvements, the 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.

45. Prior to issuance of any construction permits for structures (including shell), the 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).

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

47. The 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 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.

48. 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 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 or Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

49. 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 Permittee.

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

51. 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

52. No fewer than 235 automobile parking spaces shall be provided on-site 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 authorized by the appropriate City decision maker in accordance with the SDMC.
53. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the construction of the extension of Hilltop Drive from the existing eastern terminus to Euclid Avenue as a two-lane collector with 40 feet curb to curb width including a standard height curb, gutter and a non-contiguous sidewalk within 60 feet of right-way, satisfactory to the City Engineer.
54. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the modification of the existing traffic signal at the intersection of Euclid Avenue and Hilltop Drive to accommodate the western leg of the intersection, satisfactory to the City Engineer.
55. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the construction of a raised center median along the project's frontage on Euclid Avenue between SR-94 EB Ramps and Hilltop Drive and install a southbound buffered bike lane by dedicating and widening of Euclid Avenue along the project's frontage with adequate signage and pavement restriping, satisfactory to the City Engineer.
56. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the construction of Private Drive A on Hilltop Drive and Hal Street to form the northern leg of the intersection. The intersection will be modified to "Two-Way Stop" control for the north and south legs, satisfactory to the City Engineer.
57. Prior to issuance of any building permit, the Permittee shall dedicate 14 feet of right-of-way and assure by permit and bond the construction of a non-contiguous sidewalk along the project's frontage on Euclid Avenue, satisfactory to the City Engineer.
58. Prior to issuance of any building permit, the Permittee shall construct two curb ramps at the northwest and southwest corners of the intersection of Euclid Avenue and Hilltop Drive, satisfactory to the City Engineer.
59. The Permittee shall provide and maintain 10 feet x 10 feet visibility triangle area measured along the property line on each side of the driveways on Euclid Avenue and Hilltop Drive. No obstruction higher than 36 inches shall be located within the visibility area (e.g. shrub, landscape, hardscape, walls, columns, signs etc.).
60. The Permittee shall provide and maintain 25 feet x 25 feet visibility triangle area measured along the property line at the northwest corner of Euclid Avenue and Hilltop Drive. No obstruction higher than 36 inches shall be located within the visibility area (e.g. shrub, landscape, hardscape, walls, columns, signs etc.).

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

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

62. Prior to the issuance of any building permits, the Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPDs), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

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

64. The 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 December 3, 2018, and by Resolution No. R312080 .

Permit Type/PTS Approval No.: SDP No. 1976637 and

NDP No. 2179090

Date of Approval: ~~DEC 03 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 Permittee, by execution hereof, agrees to each and every condition of this
Permit and promises to perform each and every obligation of Permittee hereunder.

**THE CITY OF SAN DIEGO,
a California Municipal Corporation
Owner**

By _____
Name: _____
Title: _____

**AFFIRMED HOUSING GROUP, INC.,
a Delaware Corporation
Permittee**

By _____
Name: _____
Title: _____

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

EXHIBIT 1

LEGAL DESCRIPTION

APN 542-480-03; 10 and 12

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF THAT PORTION OF RANCHO MISSION OF SAN DIEGO COMMONLY KNOWN AS HORTON'S PURCHASE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING FROM SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EASTERLY 30.00 FEET OF SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST, 13.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST, 165.89 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 DISTANT THEREON SOUTH 89° 58' 11" WEST 16.00 FEET FROM THE INTERSECTION OF SAID SOUTHERLY LINE OF THE EASTERLY 30 FEET OF SAID LOT 29.

ALSO EXCEPTING FROM THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THE EASTERLY 190.00 FEET OF THE NORTHERLY 250.00 FEET THEREOF.

AND ALSO EXCEPTING FROM THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE EASTERLY 40.00 FEET OF SAID LOT 29 WITH THE SOUTHERLY LINE OF NORTHERLY 250.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET SOUTH 89° 58' 11" WEST 9.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST 81.78 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 29 DISTANT THEREON SOUTH 89° 58' 11" WEST 10.01 FEET FROM THE WESTERLY LINE OF THE EASTERLY 40.00 FEET OF SAID LOT 29.

APN 542-480-09

PARCEL 1:

THE EASTERLY 190.00 FEET OF THE SOUTHERLY 75.00 OF THE NORTHERLY 150.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF HORTON'S PURCHASE OF THE EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM, THAT PORTION LYING EASTERLY OF THE WESTERLY LINE OF LAND DESCRIBED IN DEED TO THE CITY OF SAN DIEGO, RECORDER APRIL 24, 1963 AS INSTRUMENT NO. 70108 OF OFFICIAL RECORDS, SAID WESTERLY LINE OF BEING DESCRIBED AS, FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF THE HEREINABOVE DESCRIBED LAND; THENCE ALONG THE NORTHERLY LINE OF SAID LAND, SOUTH 89° 58' 11" WEST 6.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST 75.01 FEET TO A POINT ON THE SOUTHERLY LINE OF THE HEREINABOVE DESCRIBED LAND; DISTANT THEREON SOUTH 89° 58' 11" WEST 7.81 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID LAND.

APN 542-480-14

THE NORTH 75 FEET OF THE EAST 190 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, OF HORTON'S PURCHASE IN EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST 6.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 75.01 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTHERLY 75.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEIRON SOUTH 89° 58' 11" WEST 6.91 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID NORTHERLY 75.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTHERLY 75.00 FEET, NORTH 89° 58' 11" EAST 6.91 FEET TO SAID SOUTHWEST CORNER OF SAID EASTERLY 40.00 FEET; THENCE ALONG THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET, NORTH 00° 01' 49" WEST 75 .00 FEET TO THE POINT OF BEGINNING.

APN 542-480-16

THE SOUTH 100.00 FEET OF THE NORTH 250.00 FEET OF THE EAST 190.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, OF EX-MISSION LANDS OF SAN DIEGO IN HORTON'S PURCHASE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM THAT-PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTHERLY 100.00 FEET OF THE NORTHERLY 250.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 100.00 FEET OF THE NORTHERLY 250.00 FEET, SOUTH 89° 58' 11" WEST 7.81 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 100.01 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 9.02 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID NORTHERLY 250.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET, NORTH 89° 58' 11" EAST 9.02 FEET TO SAID SOUTHWEST CORNER OF SAID EASTERLY 40.00 FEET THENCE ALONG THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET, NORTH 00° 01' 49" WEST, 100.00 FEET TO THE POINT OF BEGINNING.

APN 542-480-18

THE SOUTHERN 66.00 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF HORTON'S PURCHASE IN THE EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 9, 1878.

EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 30.00 FEET OF SAID SOUTHERLY 66.00 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 66.00 FEET, SOUTH 89° 58' 11" WEST 13.20 FEET TO THE TRUE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED; THENCE LEAVING SAID NORTHERLY LINE SOUTH 00° 39' 45" WEST 66.00 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 13.99 FEET FROM THE SOUTHWEST CORNER OF SAID EASTERLY 30.00 FEET OF SAID

SOUTHERLY 66.00 FEET OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER.

APN 542-480-20

THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, EXCEPTING THEREFROM THE SOUTHERLY 66 FEET OF HORTON'S PURCHASE IN EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 9, 1878.

ALSO EXCEPTING THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTHEAST QUARTER OF SAID LOT; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST 2.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 99.01 FEET TO A POINT IN THE NORTHERLY LINE OF THE SOUTHERLY 66.00 FEET OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 3.20 FEET FROM THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET OF SAID SOUTHEAST QUARTER.

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 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 DEC 03 2018

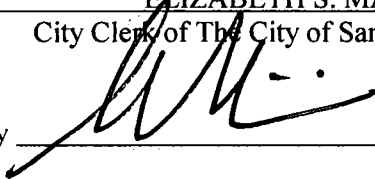
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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

312080

Resolution Number R-_____