

RESOLUTION NUMBER R- 312175

DATE OF FINAL PASSAGE JAN 08 2019

ITEM #334F
1/8/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO.
1868547 AND PLANNED DEVELOPMENT PERMIT NO.
1868549 FOR MORENA APARTMENT HOMES - PROJECT
NO. 526167.

WHEREAS, Fairfield SD Coastal LLC, a Delaware limited liability company,
Owner/Permittee, filed an application with the City of San Diego for Site Development Permit
No. 1868547 and Planned Development Permit No. 1868549 to remove an existing recreational
vehicle park and construct 150 multi-family residential condominium units, known as the
Morena Apartment Homes project, located at 1579-1645 Morena Boulevard, and legally
described as: those portions of Parcel 1 and Parcel 2 of Pueblo Lot 256, of the Pueblo Lands of
San Diego, in the City and County of San Diego, State of California, according to Map thereof
made by James Pascoe in 1870, filed in the Office of the County Recorder November 14, 1921,
and is known as Miscellaneous Map 36, in the Clairemont Mesa Community Plan area, in the
RS-1-7 and CC-4-2 zones, which are proposed to be rezoned to the RM-2-5 zone; and

WHEREAS, on October 4, 2018, the Planning Commission of the City of San Diego
considered Site Development Permit No. 1868547 and Planned Development Permit No.
1868549 and pursuant to Resolution No. 4960-PC voted to recommend City Council approval of
the Permit; and

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

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

WHEREAS, the matter was set for public hearing on January 8, 2019, 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. 1868547 and Planned Development Permit No. 1868549:

SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0505

A. Findings for all Site Development Permits:

1. The proposed development will not adversely affect the applicable land use plan. The 6.21-acre Morena Apartment Homes site is located at 1579-1645 Morena Boulevard, in a developed urban neighborhood that is served by all utilities and improved rights-of-way. The site is currently developed with a 90-space recreational vehicle (RV) park and six residential units consisting of two single-family and two duplex structures, which would be demolished to allow for development of the 150 multi-family condominium units with parking and recreational facilities. The site is bordered by existing development on all sides, with Interstate 5 and commercial development to the west, single-family to the northeast and southeast and commercial to the south.

The project scope includes a Community Plan Amendment (CPA) to change the current Clairemont Mesa Community Plan (CMCP) land use designation for the site from Low Density Residential (10-15 dwelling units per acre), General Commercial and Mobilehome Park to entirely Medium Density Residential (15-30 dwelling units per acre). This would allow 93 to 186 units on the project site, consistent with the 150 units proposed. The General Plan would be amended to change the designated land uses for the site, as shown on Figure LU-2, *General Plan Land Use and Street System*, from Residential and Commercial Employment, Retail and Services to entirely Residential.

The CPA would also remove the Mobilehome Park Overlay Zone designation for the site and references to preservation of the existing Coastal Trailer Villa recreational vehicle park in the CMCP. An amendment to the Land Development Code (LDC) and Local Coastal Program (LCP) is also included to remove the site from the Mobilehome Park Overlay Zone. The project would comply with the CMCP policy to preserve existing mobilehome sites in that the development area has not been utilized as a mobilehome park, rather an RV park, and removal would not negatively impact an existing mobilehome park.

The site was evaluated for higher density as part of the Morena Boulevard Station Area Planning Study (MBAP). The MBAP was developed to address the future form of the community through urban development due to the introduction of the Mid-Coast Light Rail Transit (LRT) Trolley extension. Due to the proximity of the site to the future LRT Station at Tecolote Road and Morena Boulevard, this property was recommended for a medium-high density residential designation in the MBAP. The project would implement this recommendation by concentrating 150 additional multi-family units along this important transit corridor consistent with smart growth principles. The project would complement the investment in LRT and accommodate future growth in a balanced, sustainable manner.

The project complies with the applicable goals and policies related to higher density residential development outlined in the CMCP. The primary goal for residential development is to maintain the low-density character of predominantly single-family neighborhoods and encourage rehabilitation where appropriate. Some of the primary objectives are: (1) to provide a diversity of housing options in selected locations of the community; (2) to provide development guidelines to help ensure that new development is compatible with the existing neighborhood and does not overburden community or neighborhood facilities; (3) locate higher density housing near the commercial areas and along transportation corridors where there are adequate services; and (4) to provide adequate off-street parking.

In accordance with the CMCP goals, the project contributes to a diversity of housing options that are compatible with the design and scale of the surrounding neighborhood. The addition of multi-family housing at this site is compatible with the design and scale of the area as the site sits substantially lower than the surrounding single-family development. The one- to three-story buildings would conform to the 30-foot height limit. The one-story clubhouse building with leasing and exercise facilities would be located at the corner of Morena Boulevard and Frankfort Street with the three-story residential structures behind to help preserve the neighborhood's low-scale character while increasing density along a major transportation corridor. The project furthers the CMCP goals by siting higher density housing near commercial areas (which are adjacent to the site) and provides more than the required parking.

To minimize on-site traffic congestion, private driveways and parking areas would be distributed throughout the site. The development would encourage pedestrian activity by installing new, accessible sidewalks along the project frontage along Morena Boulevard and Frankfort Street. Pedestrian travel would be accommodated through the provision of an internal circulation system that links to onsite amenities, external pedestrian and bike systems, and existing and planned transit, in conformance with the CMCP. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. 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 in addition to all associated conditions of approval.

The Owner/Permittee is required to obtain a grading permit to raise the base site elevation out of the FEMA Flood Zone AO and receive a Conditional Letter of Map Revision (CLOMR) from FEMA. The project conditions include installation of curb, gutter, sidewalk, bike lanes, driveway and landscape improvements in the right-of-way. The project would improve existing storm water conditions as all storm water leaving the site would be treated and cleaned according to current storm water management requirements. Additionally, a retaining wall and erosion control vegetation would be added to the cut slope along Tonopah Avenue and Frankfort Street to stabilize the slope and prevent future erosion.

The project would not result in risk from fire hazards as it is located in a developed, urban neighborhood, surrounded by existing development and is not located within a fire hazard severity zone. The project would not expose the public to undue geologic hazards as no known active faults traverse the site and is conditioned to submit a geotechnical investigation report or update letter to be reviewed for adequacy by the Development Services Department, prior to the issuance of any construction permits.

EIR No. 526167 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines. An MMRP would be implemented to mitigate potentially significant impacts to Land Use (Noise), Transportation/Circulation, Noise, Historical Resources (Archeology), Tribal Cultural Resources and Paleontological Resources to below a level of significance. 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. The 6.21-acre Morena Apartment Homes site is located at 1579-1645 Morena Boulevard, in a developed urban neighborhood that is served by all utilities and improved rights-of-way. The site is currently developed with a 90-space recreational vehicle (RV) park and six residential units consisting of two single-family and two duplex structures, which would be demolished to allow for development of the 150 multi-family condominium units with parking and recreational facilities. The site is bordered by existing development on all sides, with Interstate 5 and commercial development to the west, single-family to the northeast and southeast and commercial to the south.

To implement the proposed CMCP Medium Density Residential land use designation discussed in Finding 1 above, the site would be rezoned from the CC-4-2 (Commercial-Community) and RS-1-7 (Single-Family Residential) zones to the RM-2-5 (Residential Multiple Unit) zone. The RM-2-5 zone would allow one unit per 1,500 square feet of lot area or a maximum of 180 units onsite, which is consistent with the 150 units proposed.

The project scope includes a CPA, LDC amendment and LCP amendment to remove the site's Mobilehome Park Overlay Zone designation and references to the Coastal Trailer Villa

recreational vehicle park in the CPA. The project site is not considered a mobilehome park because of the size and class of vehicles occupying the site and the short-term tenancy requirements of the RV park. There are 10 tenants remaining, consisting of three motorized RVs and seven automobile trailers. As an RV park, the maximum tenancy is six months in any 12-month period. There is a history of legal action related to the applicability of mobilehome regulations on the project site. In 1991, there was litigation between the occupants and the then owner regarding whether the site is an RV park or a mobilehome park pursuant to Mobilehome Residency Law. The court found that it was neither a mobilehome park because of the size of the vehicles nor was it an RV park because some tenants were not occupying the site on a temporary basis.

In 2000, there was a settlement agreement between the then owner and the City. One of the terms pertained to the law and definitions that applied to the park. The agreement stipulated that the 1942 definitions of automobile trailer and trailer park applied and automobile trailers could not be parked onsite for more than six months. Another term was that the owner discontinue and prohibit the continuous presence of any person on the property for more than six months. As a part of this settlement, 10 park tenants were specifically allowed to remain as permanent residents based on their past tenancy history, seven of which remain onsite.

The project has been designed to comply with the regulations of the LDC, however the project scope includes deviations to the retaining wall height, personal storage and RM-2-5 zone street side yard/front yard requirements, which are allowed with the approval of a Planned Development Permit. Each of the deviations has been reviewed as they relate to the project design, site configuration and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site, provide a more cohesive appearance, allow for adequate site circulation and overall functionality in light of the site constraints. Please see Planned Development Permit Finding No. 3 below for additional deviation information.

Other than the requested deviations, the project complies with all applicable regulations and policy documents. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

B. Supplemental Findings – Environmentally Sensitive Lands:

1. 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 6.21-acre Morena Apartment Homes site is located at 1579-1645 Morena Boulevard, in a developed urban neighborhood that is served by all utilities and improved rights-of-way. The site is currently developed with a 90-space recreational vehicle (RV) park and six residential units consisting of two single-family and two duplex structures, which would be demolished to allow for development of the 150 multi-family condominium units with parking and recreational facilities. The site is bordered by existing development on all sides, with Interstate 5 and commercial development to the west, single-family to the northeast and southeast and commercial to the south. The project site is generally flat with elevations near

mean sea level due to its proximity to Mission Bay. The northern boundary of the project site along Tonopah Avenue and Frankfort Street contains a steep cut slope that ranges in height from five to 25 feet.

The site is subject to the Environmentally Sensitive Lands (ESL) regulations described in San Diego Municipal Code (SDMC) Section 143.0110 because the southern portion of the site is located within the flood plain associated with Tecolote Creek. The project is conditioned to raise the base elevation of the site so it can be adjusted out of FEMA Flood Zone AO and obtain a Conditional Letter of Map Revision (CLOMR) from FEMA. The project grading reflects this requirement.

The project site does not contain nor is it adjacent to any Multi-Habitat Planning Area lands, sensitive vegetation communities, riparian habitat, or wetlands and no sensitive species were observed onsite. Other than the flood plain described above, there are no other Environmentally Sensitive Lands onsite. Project implementation would remove the existing flood zone ESL from the project site by raising the pad elevation, thereby making the development less susceptible to flooding.

EIR No. 526167 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented with this project to mitigate potentially significant impacts to Land Use (Noise), Transportation/ Circulation, Noise, Historical Resources (Archeology), Tribal Cultural Resources and Paleontological Resources to below a level of significance.

Technical studies have been prepared to address the environmental impacts of the project and have not identified any constraints that would prevent the development from being physically suitable for the project. The project would not expose the public to undue geologic hazards as no known active faults traverse the project site. The project is conditioned to submit a geotechnical investigation report or update letter to be reviewed for adequacy by the Development Services Department, prior to the issuance of any construction permits. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The project would not result in undue risk from fire hazards as it is located in a developed, urban neighborhood, surrounded by existing development and is not located within a fire hazard severity zone. The project would not be subject to undue geologic risk as no known active faults traverse the project site. The project is conditioned to submit a geotechnical investigation report or update letter to be reviewed for adequacy by the Development Services Department, prior to the issuance of any construction permits.

The southern portion of the project site is located in a 100- and 500-year floodplain, which is considered ESL by the SDMC. The southwestern half of the site is located within FEMA flood area Zone AO, and the project is conditioned to raise the site elevation out of the

flood zone and obtain a CLOMR from FEMA. Project implementation would remove the existing flood zone from the site, thereby making the development less susceptible to flooding. The site would require import of soil fill to elevate the developable portion of the site above the floodplain. The fill would not result in undue risk from erosional forces because it would be properly compacted to comply with best engineering practices and FEMA requirements via an approved grading permit.

The landscape design would improve the existing cut slope along Tonopah Avenue and Frankfort Street by incorporating a retaining wall and adding erosion control vegetation to the slope. The on-site water quality basins are intended to filter water and minimize any flood hazards downstream by storing the storm water on site. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The development would substantially occur within the same development footprint as the existing RV park, which is located in a developed, urban neighborhood, surrounded on all sides by existing development and improved rights-of-way. The site contains Environmentally Sensitive Lands in the form of FEMA Zone AO floodplain on the southwestern portion of the site. There is no ESL located adjacent to the project site other than a continuation of the Zone AO floodplain offsite to the south of the project site. The project is conditioned to grade the site so that is raised above the flood zone elevation. Project grading would not adversely affect the floodplain because it would be designed in conformance with City and FEMA regulations to elevate the proposed structures out of the existing floodplain. The project's downstream water quality sensitive areas include Tecolote Creek and the San Diego Bay. The proposed redevelopment of the site would prevent adverse impacts by preserving existing drainage patterns and treating onsite runoff before discharging to the downstream public storm drain system in conformance with the City Storm Water Standard Manual. Therefore, the proposed development would be sited and designed to minimize any adverse impacts on adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project site is located in a developed, urban neighborhood and is bordered by existing development on all sides, including the improved Morena Boulevard, West Morena Boulevard, Tonopah Avenue and Frankfort Street rights-of-way. The site does not contain, nor is it adjacent to any Multi-Habitat Planning Area lands or sensitive habitats. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project would implement water quality measures and best management practices to prevent adverse impacts to environments downstream from the site. The project drains to the San Diego Bay via a stabilized conveyance and is located approximately 4.5 miles from a public beach and would not require the use of beach sand for any purpose. The project has been conditioned to comply with the current State of

California water quality standards and therefore will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. 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. EIR No. 526167 has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project to reduce potential impacts to below a level of significance. All of the mitigation measures required as conditions of the permit are appropriate and proportional for the project in consideration of the current accepted best practices and scientific analysis standards. None of the mitigation measures are without rational basis in fact or accepted best practices and scientific analysis standards. The SDMC, Land Development Manual, Community Plan, General Plan, CEQA Significance Thresholds and technical studies prepared for the development were utilized to determine project impacts and required mitigation. Therefore, 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.

**PLANNED DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0605]**

A. Findings for all Planned Development Permits:

1. The proposed development will not adversely affect the applicable land use plan. As described in Site Development Permit Finding (A)(1) above, with the adoption of the GPA, CPA, Rezone, LDC and LCP amendment, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. As described in Site Development Permit Finding (A)(2) above, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The 6.21-acre Morena Apartment Homes site is located at 1579-1645 Morena Boulevard, in a developed urban neighborhood that is served by all utilities and improved rights-of-way. The site is currently developed with a 90-space recreational vehicle (RV) park that would be demolished to allow for the construction 150 multi-family condominium units with parking and recreational facilities. The site is bordered by existing development on all sides, with Interstate 5 and commercial development to the west, single-family to the northeast and southeast and commercial to the south.

To implement the proposed CMCP Medium Density Residential land use designation discussed in Finding 1 above, the site would be rezoned from the CC-4-2 (Commercial-Community) and RS-1-7 (Single-Family Residential) zones to the RM-2-5 (Residential Multiple

Unit) zone. The RM-2-5 zone would allow one unit per 1,500 square feet of lot area or a maximum of 180 units onsite, which is consistent with the 150 units proposed.

The project scope includes a CPA and LDC and LCP amendment to remove the site's Mobilehome Park Overlay Zone designation and references to the Coastal Trailer Villa recreational vehicle park in the CPA. The project is not subject to the Mobilehome Park Discontinuance and Tenant Relocation Regulations listed in Chapter 14, Article 3, Division 6 of the SDMC because the site does not meet the definition of a mobilehome park as described in SDMC Section 113.0103. The site has been utilized as a temporary-occupancy RV park since inception and the size and class of vehicles occupying the site and the short-term tenancy requirements of the RV park do not meet the definition of a mobilehome park.

The project has been designed to comply with the regulations of the LDC, however the project scope includes deviations to the retaining wall height, assigned storage and RM-2-5 zone street side yard/front yard requirements, which are allowed with the approval of a Planned Development Permit. The deviations are summarized below:

Deviations Summary			
Deviation	Deviation from SDMC	Allowed/Required	Proposed
Retaining Wall Height Within Required Street Side Yard for Retaining Wall With Guardrail Along Tonopah Ave	Section 142.0340(c) & 142.0340(f)(4)	Two retaining walls with a maximum height of 3 feet permitted if walls are separated by a minimum horizontal distance equal to the height of the upper	Maximum 17 feet from finished grade to top of wall
RM-2-5 Zone Street Side Yard Reduction For Carport parking and Trash Enclosures Along Tonopah Ave	Section 131.0431, Table 131-04G & Section 131.0443(e)(3)	25.6 feet (Minimum 10 percent of premises width of 255.9 feet)	21-foot street side setback along Tonopah Ave To allow for carport parking and trash enclosures
Outside Assigned Unit Storage	Section 131.0454	Provide a fully enclosed, personal storage area outside each unit that is at least 240 cubic feet with a minimum 7-foot horizontal dimension along one plane	240 cubic feet of storage provide for each unit. Interior horizontal dimension will vary with some less than 7 feet
RM-2-5 Zone Front Yard Reduction Setback for Clubhouse along Morena Blvd	Section 131.0443(e)(1) & Table 131-04G	Up to 50% of the width of the building envelope may observe the minimum 15-foot setback, provided the remaining width observes the 20-foot setback	13-foot front yard Setback

Deviations Summary			
Deviation	Deviation from SDMC	Allowed/Required	Proposed
RM-2-5 Zone Street Side Yard Reduction Setback at Building No. 6 along Morena	Section 131.0443(e)(3) & Table 131-04G	25.6 feet (Minimum 10 percent of the premises width of 255.9 feet)	19-foot street side yard setback along Morena Blvd
RM-2-5 Zone Street Side Yard Reduction Setback at Buildings No. 5, 9, and 10 along Frankfort St	Section 131.0443(e)(3) and Table 131-04G	25.6 feet (Minimum 10 percent of the premises width of 255.9 feet)	21-foot street side yard along Frankfort St

The requested setback and wall height deviations along Tonopah Avenue and Frankfort Street are supported due to the existing five- to 25-foot cut slope which places the project pad substantially lower than the surrounding single-family and commercial development, which prevents adverse impacts to adjacent properties. The requested setback deviations along Morena Boulevard are supported as these are required to accommodate existing underground utilities and conditioned street, sidewalk and bicycle lane improvements. A tiered retaining wall and substantial landscaping along the Morena Boulevard frontage is incorporated to offset the impact of the deviation request. The personal storage area deviation request is supported as it provides for the purpose and intent of the regulation while allowing design flexibility and better utilization of the site, including the provision of 95 attached unit garages, which will increase the overall amount of available storage.

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, provide a more cohesive appearance, allow for adequate site circulation and overall functionality in light of the site constraints.

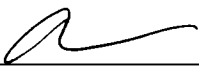
Other than the requested deviations, the project complies with all applicable regulations and policy documents. Therefore, the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The 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. 1868547 and Planned Development Permit No. 1868549 are granted to Fairfield SD Coastal LLC, a Delaware limited

liability company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution, and contingent upon final passage of R- 312173 approving amendments to the General Plan and Clairemont Mesa Community Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
11/08/2018
01/11/2019
Or.Dept:DSD
Doc. No.: 1869798_2

Attachment: Site Development Permit No. 1868547 and Planned Development Permit No. 1868549.

**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: 24006842

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CITY COUNCIL
SITE DEVELOPMENT PERMIT NO. 1868547
PLANNED DEVELOPMENT PERMIT NO. 1868549
MORENA APARTMENT HOMES - PROJECT NO. 526167**

This Site Development Permit No. 1868547 and Planned Development Permit No. 1868549 is granted by the City Council of the City of San Diego to Fairfield SD Coastal LLC, a Delaware limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0504 (Site Development Permit) and 126.0604 (Planned Development Permit). The 6.21-acre project site (5.73-acre site with 0.48-acre of offsite improvements) is located at 1579-1645 Morena Boulevard in the RS-1-7 and CC-4-2 zones which are proposed to be rezoned to the RM-2-5 zone, in the Clairemont Mesa Community Plan area. The project site is legally described as: those portions of Parcel 1 and Parcel 2 of Pueblo Lot 256, of the Pueblo Lands of San Diego, in the City and County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the Office of the County Recorder November 14, 1921, and is known as Miscellaneous Map 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to remove an existing recreational vehicle park and construct 150 multi-family residential units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 8, 2019, on file in the Development Services Department. The project shall include:

- a. Removal of an existing recreational vehicle park and six residential units consisting of two single-family and two duplex structures and construction of a 150-unit residential condominium project, as follows:
 - Nine, three-story residential buildings totaling 211,254 square feet
 - Clubhouse facility with amenity space totaling 4,400 square feet
 - Useable open space including common courtyard areas, pool, recreation facilities, and private decks/balconies totaling 28,539 square feet.

- b. Deviations from the San Diego Municipal Code;
- Retaining Wall Height - A deviation from SDMC Section 142.0340(c) & 142.0340(f)(4) to allow a maximum retaining wall height within a street side setback of 17 feet where six feet are allowed.
 - Street Side Yard Encroachments – A deviation from SDMC Section 131.0431, Table 131-04G & 131.0443(e)(3) to allow a reduced street side yard setback along the Tonopah Avenue, Frankfort Street and Morena Boulevard frontages for carports, open parking, trash enclosures and Buildings 5, 6, 9 and 10, where 25.6 feet is required.
 - Front Yard Encroachments – A deviation from SDMC Section 131.0443(e)(1) & Table 131-04G to allow a front yard setback of 13 feet for the clubhouse structure where 15-20 feet is required.
 - Outside Unit Storage – A deviation from SDMC Section 131.0454 to allow an interior horizontal dimension of less than the seven-foot minimum for a portion of the required assigned unit storage spaces.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Construction of associated site improvements including storm drains/detention basins, internal driveways, retaining walls, landscape areas, clubhouse, pool and recreation facilities; and
- f. 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.
- g. A 30-day transit pass for all initial lease up tenants to encourage the use of public transit.
- h. Solar panels on the proposed carports to provide power for common area lighting and amenities.
- i. Parking will be unbundled except for the direct access garage units.
- j. Permittee will work with MTS to provide a shelter at the MTS bus pad referenced in condition number 49 of the permit.
- k. An on-site co-work lounge for residents.
- l. An on-site bicycle repair area for residents.

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 January 8, 2022.
2. 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.
3. 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.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. 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.).
6. 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.
7. 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.
8. 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.
9. If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall

be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 526167 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 Environmental Impact Report No. 526167 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:

- Land Use (Noise)
- Transportation/Circulation
- Noise
- Historical Resources (Archeology)
- Tribal Cultural Resources
- Paleontological Resources

CLIMATE ACTION PLAN REQUIREMENTS:

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

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to receiving the first residential building permit, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by making payment to the City of San Diego, of the full Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential units in the project, on the terms set forth within the Inclusionary Affordable Housing Regulations.

AIRPORT REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

17. 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.

18. Prior to issuance of any construction permit, Applicant/Permittee must obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) for proposed grading.

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

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for landscape, trees/irrigation and enhanced pavers within Morena Boulevard and Frankfort Street public right-of-way.

21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for private 24-inch concrete storm drain pipe within Morena Boulevard public right-of-way.
22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for two private concrete culverts and modified storm water clean out in Morena Boulevard public right-of-way.
23. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate additional right of way along Morena and West Morena Boulevard frontage to provide a 14-foot curb-to-property-line distance, satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate additional six feet of public right-of-way along Frankfort Street to provide a 12.5-foot curb-to-property-line distance satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 24-foot wide driveway, adjacent to the site on Morena Boulevard and one on Frankfort Street, satisfactory to the City Engineer.
26. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond to construct curb ramps at the following intersections: Tonopah Avenue and Frankfort Street, Frankfort Street and Morena Boulevard, W. Morena Boulevard and Morena Boulevard, with current City Standard to satisfaction of City Engineer.
27. Prior to issuance of any building permits, the Owner/Permittee shall reconstruct existing AC berm with City standard curb, gutter adjacent to the site on Tonopah Avenue satisfactory to the City Engineer.
28. Prior to issuance of any building permits, the Owner/Permittee shall install standard guardrail adjacent to the site on Tonopah Avenue satisfactory to the City Engineer.
29. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond installation of new curb and gutter per current City Standards adjacent to the site on Frankfort Street and Morena Boulevard to satisfaction of City Engineer.
30. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond, to install new non-contiguous sidewalk adjacent to the site on Morena Boulevard and Frankfort Street per current City Standard, to satisfaction of City Engineer.
31. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond construction of a new Type B curb inlet and cross gutter per City Standards on Morena Boulevard and Frankfort Street as shown on approved Exhibit A, satisfactory to City Engineer.
32. Prior to the issuance of any building permit, the owner/permittee shall assure by permit and bond construction of bus pad per City Standard adjacent to the site on Morena Boulevard satisfactory to City Engineer.

33. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
34. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
35. 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.
36. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

37. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding 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.
38. 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.
39. 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.

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

41. 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.

GEOLOGY REQUIREMENTS:

42. Prior to the issuance of any construction permits (either grading or building), the Owner/Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" 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.

PLANNING/DESIGN REQUIREMENTS:

43. Owner/Permittee shall maintain a minimum of 249 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

44. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

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

46. 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:

47. All project amenities, are solely for the use of the residents/tenants, and shall not to be rented/leased out for non-tenant use.

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

49. The applicant/permittee shall construct an MTS Bus Pad fronting the project on Morena Boulevard just west of Frankfort Street, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

50. Prior to the issuance of any Non-ROW Construction Permit, any proposed "PRIVATE" sewer main(s) within the public ROW or public easement must be located and labeled on an approved Construction Record Drawing (D-Sheet) so as to clearly convey all of the following: the sewer line's identity as "PRIVATE", the diameter, the type of material, its approximate location relative to the nearest property line and MH, and its authorization to encroach (i.e. the approved Encroachment Maintenance & Removal Agreement #).

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

52. Prior to the issuance of any Certificate of Occupancy, all public water and/or sewer facilities necessary to serve the development (including services and laterals) shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

53. Prior to the issuance of any Construction Permit, any existing sewer lateral proposed to be reused must be inspected by a California licensed plumbing contractor using closed-circuit television to verify (to the satisfaction of the City Engineer) that the lateral is in good condition, free of all debris, properly connected to a public sewer main, and in all other ways suitable for reuse. If it is not, the Owner/Permittee is required to effect the repair or replacement of that service lateral in a manner satisfactory to the City Engineer.

54. Prior to the issuance of any Grading or Construction Permit, the existing six-inch public sewer main being proposed for reuse as a private sewer is required to be inspected using closed-circuit television by a California licensed plumbing contractor who must certify that the main is in good condition, free of all debris, properly connected to a public sewer main, and in all other ways suitable for reuse. If it cannot be so certified, the Owner/Permittee is required to effect the repair or replacement of the sewer main in a manner satisfactory to the City Engineer.

55. All proposed water and sewer facilities (public and private) within the public ROW or public easement must be handled in accordance with the City of San Diego's current water and sewer facility design guidelines, regulations, standards, and practices pertaining thereto.

56. No trees or shrubs whose height will be 3' or greater at maturity shall be installed or retained within five feet of any publicly maintained water facilities or within 10 feet of any publicly maintained sewer facilities

PARKS AND RECREATION REQUIREMENTS:

57. Prior to the issuance of the first residential building permit, the Owner/Permittee shall pay a park in-lieu fee, of \$1,166,824 to be deposited into the Developer Contributions -CIP Fund, Fund No. 200636, for park and recreation facilities in the Clairemont Mesa community. This in-lieu fee shall be subject to adjustment (from the effective date of this permit to the date of first residential building permit issuance) according to the Construction Cost Index in Los Angeles as published monthly in the "Engineering News-Record".

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 January 8, 2019, and by Resolution No. 312175.

Permit Type/PTS Approval No.: SDP No. 1868547

PDP No. 1868549

Date of Approval: January 8, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Paul Godwin
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.

FAIRFIELD SD COASTAL LLC,
a Delaware limited liability company

By: FFI SD COASTAL LLC,
a Delaware limited liability company
its Managing Member

By: FFI CHF GP LLC,
a Delaware limited liability company
its Non-Member Manager

By: _____
Name: _____
Title: _____

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

Passed by the Council of The City of San Diego on JAN 08 2019, 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"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input type="checkbox"/>	<input checked="" 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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 08 2019.

(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.

(Seal)

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

By *Hy Bracy*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **312175**