

RESOLUTION NUMBER R- 312287

DATE OF FINAL PASSAGE MAR 19 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO. 2017-18 FOR THE EAST VILLAGE GREEN HISTORIC HOMES RELOCATION AND REHABILITATION PROJECT.

ITEM #335
3/19/19

WHEREAS, Civic San Diego and Heritage Architecture & Planning, Inc. filed a Site Development Permit (“SDP”) application with Civic San Diego to allow for the relocation and rehabilitation of two historic homes located at 719-721 14th Street to a new location on the same block directly east of 1455 F Street, commonly referred to as the East Village Green Historic Homes Relocation and Rehabilitation (Project); and

WHEREAS, the Project site is located within the future 4.1-acre East Village Green park site in the East Village Neighborhood of the Downtown Community Plan (“DCP”) area; and

WHEREAS, on November 14, 2018, the Downtown Community Planning Council voted 17-0 to recommend approval of SDP No. 2017-18; and

WHEREAS, on November 15, 2018, the City of San Diego Historical Resources Board voted unanimously (on Consent) to recommend that the City Council approve SDP No. 2017-18; and

WHEREAS, on March 19, 2019, the City Council held a duly notice public hearing and considered a staff report and public testimony for SDP No. 2017-18; and

WHEREAS, Development within the DCP area is covered under the following documents, all referred to as the “Downtown FEIR”: Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and

R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the DCP area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (“CAP”), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595).

WHEREAS, a California Environmental Quality Act (CEQA) Section 15162 Consistency Evaluation Memorandum was prepared that describes how the proposed project meets the Downtown FEIR mitigation measures for the treatment of historical resources in Downtown. The HABS Reports, Treatment Plans and Monitoring Plans for the two historic homes were prepared in compliance with Downtown FEIR historical resources mitigation measures. No further review under CEQA is required for consideration of the recommended approval of the relocation and rehabilitation of the two historic homes in the EVG park site at 719-721 14th Street; 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings for SDP approval pursuant to SDMC § 126.0505(a) and supplemental findings for historical resources pursuant to SDMC §126.0505(h):

1. The proposed development will not adversely affect the applicable land use plan. The EVG park project is located on a block in the East Village neighborhood of Downtown designated in the Centre City Planned District Ordinance (“CCPDO”) as the “P/OS” Park/Open Space land use district. This district provides areas for public parks and open spaces. Below-ground parking facilities, eating and drinking establishments, arts and cultural uses, and community centers are also permitted. Although the future uses of the buildings have yet to be determined, the relocation and rehabilitation of the two historic homes at 719-721 14th Street, to be reused for eating and drinking establishments, arts and/or cultural uses, or other uses found consistent with the future park use and surrounding neighborhood, is consistent with the “P/OS” land use designation in the CCPDO, and will not adversely affect the applicable land use plan. The proposed project is consistent with the following DCP Historical Conservation Goals: 9.1-G-1 “Protect historical resources to communicate downtown’s heritage.” The project will preserve and group the remaining historic homes on the block together, side-by-side on F Street, which will communicate downtown’s heritage by providing a historical context with a row of historic homes, placed on the site as they would have been typically placed during the time period when they were built; 9.1-G-2 “Encourage the rehabilitation and reuse of historical resources.” The project will rehabilitate and reuse the historic homes in a more visible location on F Street, within the same block in the same historical context; and 9.1-G-3 “Allow development adjacent to historical resources respectful of context and heritage, while permitting contemporary design solutions that do not adversely affect historical resources.” The project will

provide upgrades to current accessibility standards and building improvements that will allow these historic buildings to be used well into the future. The proposed project also meets the DCP Historical Conservation Policy 9.1-P-4 to “Encourage the retention of historical resources on-site with new development. If retention of a historical resource on-site is found to be infeasible under appropriate City review procedures, the potential relocation of the historical resource to another location within downtown shall be explored, and if feasible, adopted as a condition of a site development permit.”

2. The proposed development will not be detrimental to the public health, safety, and welfare. The relocation and rehabilitation of the two historic homes at 719-721 14th Street will not be detrimental to public health, safety and welfare. The proposed historic resources’ Treatment and Monitoring Plans will ensure the preservation of the historic resources in compliance with the Secretary of the Interior’s Standards for Treatment of Historic Properties. The project is consistent with the DCP and CCPDO with approval of a SDP. The project will complement the East Village neighborhood without harming the public health, safety and welfare. The relocation and rehabilitation of the historic resources will comply with applicable building codes in accordance with current construction standards as they apply to historic structures.

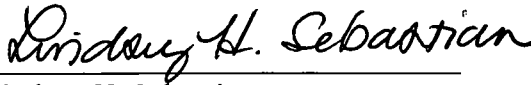
3. The proposed development will comply with the applicable provisions of the Land Development Code (LDC) including any allowable deviations pursuant to the LDC. Implementation of the Treatment and Monitoring Plans will ensure the preservation of the historic resources in compliance with the Secretary of the Interior’s Standards for Treatment of Historic Properties. A qualified historical architect will act as a monitor and supervise the relocation and rehabilitation of the historic homes. The property’s status as a designated

historical resource will remain under the jurisdiction of the San Diego HRB. These measures ensure that the proposed relocation, rehabilitation and reuse of the historic resources will not destroy the value of the resources. The relocation is part of a definitive series of actions to assure preservation and continued use of the two historic structures.

6. There are special circumstances or conditions apart from the existence of the historical resource, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land. The DCP's goals for the East Village call for parks and open space that benefit the East Village neighborhood. The EVG park's GDP was created through a series of public workshops that resulted in an efficiency of design that maximizes usable park land while preserving the historic buildings. It is appropriate to group the remaining historic homes in the EVG park site together on F Street, thereby creating more usable open space for the EVG public park. Therefore, the strict application of the provisions of the Historical Resources Regulations to keep the historic houses in their current location would deprive the City of reasonable use of the land for public park purposes. Overall, the proposed relocation, rehabilitation and reuse of the historic resources on the site will meet the intent and provisions of the historical resource regulations.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, SDP No. 2017-18 is hereby granted to the referenced Applicant, in the form, exhibits, terms, and conditions set forth in Site Development Permit No. 2017-18, a copy of which is attached hereto and made a part hereof.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LHS:als
02/27/2019
Or.Dept: Civic San Diego
Doc. No.: 1942371

Attachment: Site Development Permit No. 2017-18

RECORDING REQUESTED BY:

Civic San Diego
Planning Department
401 B Street, Suite 400
San Diego, CA 92101

AND WHEN RECORDED MAIL TO:

Civic San Diego
Planning Department
401 B Street, Suite 400
San Diego, CA 92101

THIS SPACE FOR RECORDER'S USE ONLY

*NOTE: COUNTY RECORDER, PLEASE RECORD AS
RESTRICTION ON USE OR DEVELOPMENT OF REAL
PROPERTY AFFECTING THE TITLE TO OR
POSSESSION THEREOF*

**CENTRE CITY SITE DEVELOPMENT PERMIT
NO. 2017-18**

**EAST VILLAGE GREEN
RELOCATION & RENOVATION OF TWO HISTORIC HOMES
MURRAY APARTMENTS & DAGGETT FAMILY RESIDENCE
719 & 721 14TH STREET
SAN DIEGO, CA 92101**

**CENTRE CITY PLANNED DISTRICT
CENTRE CITY SITE DEVELOPMENT PERMIT
NO. 2017-18**

**719 & 721 14TH STREET
SAN DIEGO, CA 92101
City Council**

This Centre City Site Development Permit (SDP) No. 2017-18 is granted by the City of San Diego City Council to the City of San Diego, Owner, to allow: 1) the Relocation and rehabilitation of Historical Resources Board (HRB) Site No. 403, Daggett Family Residence at 721 14th Street as shown in the Treatment Plan dated September 20, 2017; and, 2) the Relocation and rehabilitation of Historical Resources Board (HRB) Site No. 404, Murray Apartments at 719 14th Street as shown in the Treatment Plan dated September 20, 2017, located in the East Village neighborhood of the Downtown Community Plan (DCP) area and within the Centre City Planned District (CCPD); and more particularly identified as Assessor's Parcel Numbers (APN) 535-143-08-00 and 535-143-05-00.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate a development and uses as described and identified by size, dimension, quantity, type and location as follows and on the approved Treatment Plans dated September 20, 2017 and Monitoring Plans dated October 16, 2017 on file at Civic San Diego ("CivicSD").

1. General

The Owner/Permittee shall construct, or cause to be constructed on the site, the relocation and rehabilitation of two designated historic buildings located at 719-721 14th Street, San Diego, CA 92101. The relocation and rehabilitation of the two historic buildings shall follow the Treatment Plans and Monitoring Plans prepared by Heritage Architecture & Planning. The historic buildings will be moved to their new locations on elevated building pads fronting 14th Street, east of, and adjacent to, the existing house at 1455 F Street (Mattie Bearn House).

2. Site Development Permit

The City of San Diego City Council hereby grants a SDP allowing the Significant Alteration of Designated Historical Resources as follows:

- a. The City of San Diego HRB Site No. 403 and 404, the Murray Apartments and the Daggett Family Residence located at 719-721 14th Street will be relocated, then rehabilitated according to US Secretary of the Interior Standards for Treatment of Historic Properties ("Standards"), City of San Diego Historical Resources Guidelines ("Guidelines"), and incorporated into the Project as shown

in the Treatment Plans dated September 20, 2017 and Monitoring Plans dated October 20, 2017.

All alterations to, and rehabilitation of, the designated historic resources, shall be performed in accordance with the Standards, the Guidelines, as well as the National Park Service Standards for Relocation, and the Treatment Plan required under the 2006 Final Environmental Impact Report (FEIR) Mitigation, Monitoring, and Reporting Program (MMRP) Measures HIST A.1-2 and HIST B.1. In addition, the following conditions apply:

1. Historic American Buildings Survey (HABS) Level III documentation shall be completed for the structure prior to issuance of any Building Permit.
2. A qualified historical architectural monitor (approved by City of San Diego Plan-Historic Staff) will supervise the relocation, rehabilitation and reuse of the building.
3. A permanent plaque shall be provided on the exterior wall of the historic building describing the buildings original address/location. The design shall be approved by City of San Diego Plan-Historic staff prior to issuance of any Building Permit and installation.
4. If the City of San Diego building officials determine any of the materials (exterior walls, window frames, roof and architectural details) are deteriorated and cannot be rehabilitated, and/or are not permitted to be reinstalled, they may be recreated out of new materials with the prior approval of the materials and execution methods from the City of San Diego Plan-Historic staff.

3. Urban Design Standards

The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the Centre City Planned District Ordinance (CCPDO) and Centre City Streetscape Manual (CCSM). These standards, together with the following specific conditions, will be used as a basis for evaluating the development through all stages of the development process.

- a. Street Level Design – Architectural features such as awnings and other design features which add human scale to the streetscape are encouraged where they are consistent with the design theme of the structures. Exit corridors shall provide a finished appearance to the street.
- b. Utilitarian Areas – Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the right-of-way (ROW) and adjoining developments, except for utilities required to be exposed by the City or utility company. The development shall provide trash and recyclable material storage areas per San Diego Municipal Code (SDMC) sections 142.0810 and 142.0820. Such areas shall be provided within an enclosed building/garage area and shall be kept clean and orderly at all times. The

development shall implement a recycling program to provide for the separation of recyclable materials from the non-recyclable trash materials.

- c. Mail and Delivery Locations – It is the Owner’s and/or Permittee’s responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal/loading use. The Owner/Permittee shall locate all mailboxes and parcel lockers outside of the ROW, either within the building or recessed into a building wall. A single, centralized interior mail area in a common lobby area is encouraged for all residential units within a development, including associated townhouses with individual street entrances. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall, which may be shared with residential uses sharing a common street frontage address.
- d. Circulation and Parking – The Owner/Permittee shall prepare a plan that identifies the location of curbside parking control zones, parking meters, fire hydrants, trees, and street lights. Such plan shall be submitted in conjunction with 100% Construction Drawings.
- e. Open Space and Development Amenities – A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups shall be submitted with 100% Construction Drawings.
- f. Roof Tops – A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with 100% Construction Drawings. Any roof-top mechanical equipment must be grouped, enclosed, and screened from surrounding views (including views from above); except where exempted by this Permit.
- g. Signage – All signs shall comply with the City of San Diego Sign Regulations and the CCPDO.
- h. Lighting – A lighting plan that highlights the architectural qualities of the proposed development and also enhances the lighting of the ROW shall be submitted with 100% Construction Drawings. All lighting shall be designed to avoid illumination of adjoining properties.
- i. Noise Control – All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City of San Diego Noise Ordinance and California Noise Insulation Standards as set forth in Title 24. All mechanical equipment shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential. Owner/Permittee shall provide evidence of compliance at 100% Construction Drawings.

- j. Energy Considerations – The design of the improvements shall include, where feasible, energy conservation construction techniques and design, including cogeneration facilities, and active and passive solar energy design. The Owner/Permittee shall demonstrate consideration of such energy features during the review of the 100% Construction Drawings.
- k. Street Address – Building address numbers shall be provided that are visible and legible from the ROW.

4. On-Site Improvements

All off-site and on-site improvements shall be designed as part of an integral site development. An on-site improvement plan shall be submitted with the 100% Construction Drawings. Any on-site landscaping shall establish a high quality of design and be sensitive to landscape materials and design planned for the adjoining ROW.

PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS

5. Off-Site Improvements

The following public improvements shall be installed in accordance with the Centre City Streetscape Manual (CCSM). The CCSM is currently being updated and the Owner/Permittee shall install the appropriate improvements according to the latest requirements at the time of Building Permit issuance:

	F Street Frontage
Street Trees	Chinese Flame Tree
Sidewalk Paving	Gateway Paving
Street Lights	Gateway

- a. Street Trees – Street tree selections shall be made according to the CCSM. All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCSM, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 25 feet on center. All landscaping shall be irrigated with private water service from the subject development.

The Owner/Permittee will be responsible for evaluating, with consultation with CivicSD, whether any existing trees within the ROW shall be maintained and preserved. No trees shall be removed prior to obtaining a Tree Removal Permit from the City’s Development Services Department (DSD) per City Council Policy 200-05.

- b. Street Lights – All existing lights shall be evaluated to determine if they meet current CivicSD and City requirements, and shall be modified or replaced if necessary. All street lights shall be painted “CCDC Blue” PLS6 1008F blue by Sherwin Williams.
- c. Sidewalk Paving – Owner/Permittee shall obtain approval for any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement (EMRA) with the City.
- d. Litter Containers – Owner/Permittee shall provide a minimum of five litter receptacles and shall be located as specified in the CCSM.
- e. Landscaping – All required landscaping shall be maintained in a disease, weed and litter free condition at all times. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of the CivicSD within 30 days of damage or Certificate of Occupancy.
- f. On-Street Parking – The Owner/Permittee shall maximize the on-street parking wherever feasible.
- g. Public Utilities – The Owner/Permittee shall be responsible for the connection of on-site sewer, water and storm drain systems from the development to the City utilities located in the ROW. Sewer, water, and roof drain laterals shall be connected to the appropriate utility mains within the street and beneath the sidewalk. The Owner/Permittee may use existing laterals if acceptable to the City, and if not, Owner/Permittee shall cut and plug existing laterals at such places and in the manner required by the City, and install new laterals. Private sewer laterals require an EMRA.

If it is determined that existing water and sewer services are not of adequate size to serve the proposed development, the Owner/Permittee will be required to abandon any unused water and sewer services and install new services and meters. Service abandonments require an engineering Permit and must be shown on a public improvement plan. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of City’s Water and Sewer Facility Design Guidelines and City regulations standards and practices pertaining thereto.

Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check. If and when the Owner/Permittee submits for a tentative map or tentative map waiver, the Water

Department will require CC&Rs to address the operation and maintenance of the private on-site water system serving the development. No structures or landscaping of any kind shall be installed within ten feet of water facilities.

All roof drainage and sump drainage, if any, shall be connected to the storm drain system in the public street, or if no system exists, to the street gutters through sidewalk underdrains. Such underdrains shall be approved through an Encroachment Removal Agreement with the City. The Owner/Permittee shall comply with the City's Storm Water Management and Discharge Control Ordinance and the storm water pollution prevention requirements of Chapter 14, Article 2, Division 1 and Chapter 14, Article 2, Division 2 of the SDMC.

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

- h. Franchise Public Utilities – The Owner/Permittee shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the development and all extensions of those utilities in public streets. Existing franchise utilities located above grade serving the property and in the sidewalk ROW shall be removed and incorporated into the adjoining development where feasible. All franchise utilities shall be installed as identified in the Basic Concept Drawings. Any above grade devices shall be screened from view from the ROW.
 - i. Fire Hydrants – If required, the Owner/Permittee shall install fire hydrants at locations satisfactory to the City's Fire Department and DSD.
 - j. Water Meters and Backflow Preventers – The Owner/Permittee shall locate all water meters and backflow preventers in locations satisfactory to the Public Utilities Department and CivicSD. Backflow preventers shall be located outside of the ROW adjacent to the development's water meters, either within the building, a recessed alcove area, or within a plaza or landscaping area. The devices shall be screened from view from the ROW. All items of improvement shall be performed in accordance with the technical specifications, standards, and practices of the City's Engineering, Public Utilities, and Building Inspection Departments and shall be subject to their review and approval. Improvements shall meet the requirements of Title 24.
6. Storm Water Compliance
- a. Prior to issuance of any construction permit, the Owner and/or Permittee shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

- b. Prior to the issuance of any Construction Permit, the Owner and/or Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
- c. Prior to issuance of any construction permits, the Owner and/or Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards, Chapter 4 of the Storm Water Standards.
- d. Prior to the issuance of any construction permit, the Storm Water Quality Management Plan will be subject to final review and approval by the City Engineer.

7. Removal and/or Remedy of Soil and/or Water Contamination

- a. The Owner/Permittee shall (at its own cost and expense) remove and/or otherwise remedy as provided by law and implementing rules and regulations, and as required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the Site. Such work may include without limitation the following:
 - i. Remove (and dispose of) and/or treat any contaminated soil and/or water on the site (and encountered during installation of improvements in the adjacent ROW which the Owner/Permittee is to install) as necessary to comply with applicable governmental standards and requirements.
 - ii. Design construct all improvements on the site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor or other form, and/or from the direct and indirect effects thereof.
 - iii. Prepare a site safety plan and submit it to the appropriate governmental agency, CivicSD, and other authorities for approval in connection with obtaining a building Permit for the construction of improvements on the site. Such site safety plan shall assure workers and other visitors to the site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.
 - iv. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.

- v. If required due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval by the appropriate governmental authorities.

STANDARD REQUIREMENTS

8. Environmental Impact Mitigation Monitoring and Reporting Program

As required by CCPDO Section 156.0304(h), the development shall comply with all applicable Mitigation Monitoring and Reporting Program (MMRP) measures from the 2006 Final Environmental Impact Report (FEIR) for the DCP.

9. Construction Fence

Owner/Permittee shall install a construction fence pursuant to specifications of, and a Permit from, the City Engineer. The fence shall be solid plywood with wood framing, painted a consistent color with the development's design, and shall contain a pedestrian passageway, signs, and lighting as required by the City Engineer. The fencing shall be maintained in good condition and free of graffiti at all times.

10. Development Identification Signs

Prior to commencement of construction on the site, the Owner/Permittee shall prepare and install, at its cost and expense, one sign on the barricade around the site which identifies the development. The sign shall be at least four feet by six feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include:

- Color rendering of the development
- Development name
- Developer
- Completion Date
- For information call _____

Additional development signs may be provided around the perimeter of the site. All signs shall be limited to a maximum of 160 SF per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to the CivicSD for approval prior to installation.

SUSTAINABILITY

11. To the extent possible in historic building rehabilitation, cool/green roofs must be utilized in the development including roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under the California Green Building Standards

- Code must be implemented. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
12. The development must include, at a minimum, plumbing fixtures and fittings that do not exceed the maximum flow rate specified in Table A5.303.2.3.1 (voluntary measures) of the California Green Building Standards Code. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
 13. 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 Section 126.0108 of the SDMC within the 36-month period, this Permit shall be void unless an Extension of Time (EOT) has been granted pursuant to Section 126.0111 of the SDMC.
 14. Issuance of this Permit does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies.
 15. 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.
 16. This development shall comply with the standards, policies, and requirements in effect at the time of approval of this development, including any successor(s) or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City.
 17. No Permit for construction, operation, or occupancy of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until this Permit is recorded in the Office of the San Diego County Recorder.
 18. The Owner/Permittee shall defend, indemnify, and hold harmless the CivicSD and 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 CivicSD will promptly notify the Owner/Permittee of any claim, action, or proceeding and, if CivicSD 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. CivicSD 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, the 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 CivicSD and the Owner/Permittee regarding litigation issues, the CivicSD 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.

APPROVED by the City Council of the City of San Diego on March 19, 2019, by Resolution No. R-312287.

Site Development Permit No. 2017-18

Date of Approval: _____

CIVIC SAN DIEGO:

OWNER/PERMITTEE:

William Chopyk, Planner
Civic San Diego

Erik Caldwell
City of San Diego

Date: _____

Date: _____

**Note: Notary acknowledgment
must be attached per Civil Code
Section 1189 et seq**

Passed by the Council of The City of San Diego on MAR 19 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 19 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 *Connie Patterson*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312287