

RESOLUTION NUMBER R- 312664

DATE OF FINAL PASSAGE SEP 17 2019

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9/17/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 1996525 AND COASTAL DEVELOPMENT PERMIT NO. 1996526 FOR SATURN BOULEVARD - PROJECT NO. 566697.

WHEREAS, Saturn Boulevard, LLC, a California limited liability company, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit No. 1996525 and Coastal Development Permit No. 1996526 (Permits) to subdivide a 3.63-acre site into 20 lots for the creation of 18 single-dwelling units, which includes two affordable housing units, and two homeowner association (HOA) lots for private driveways and a water quality infiltration basin, known as the Saturn Boulevard project (Project), located at 1695 Saturn Boulevard, and legally described as Lot 8 of Voller's addition to Oneta, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 518, filed in the Office of the County Recorder of San Diego County, March 27, 1888, in the Otay Mesa-Nestor Community Plan area, in the AR-1-2 zone which is proposed to be rezoned to RS-1-7; and

WHEREAS, on June 13, 2019, the Planning Commission of the City of San Diego considered the Permits and pursuant to Resolution No. 5024-PC voted to recommend City Council approve the Permit; and

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

WHEREAS, the matter was set for public hearing on September 17, 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 the Permits:

I. COASTAL DEVELOPMENT PERMIT-SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0708:

A. Findings for all Coastal Development Permits:

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The 3.63-acre site is located at 1695 Saturn Boulevard on an irregular shaped lot with one existing residential unit and two accessory structures to be demolished and subdivided into 20 lots consisting of 18 single-dwelling units and two homeowner association (HOA) lots. The proposed project will widen Leon Avenue, in accordance with the Otay Mesa-Nestor Community Plan designation for this two Lane Collector and will record an Irrevocable Offer of Dedication for the future widening of Saturn Boulevard. Leon Avenue currently has a non-standard asphalt sidewalk directly adjacent to Leon Avenue. The project includes the dedication and improvement of 10 feet for public right of way along Leon Avenue frontage and a 12-foot parkway with non-contiguous sidewalk 5-foot sidewalk on the widened street. The private driveways through the project between Leon and Rimbey Avenues will have a sidewalk on one side so pedestrians can travel safely through the project. The corners of Saturn and Leon and Saturn and Rimbey, adjacent to this site will also be improved with the appropriate ADA accessibility.

The Local Coastal Program does not identify the project site as within or adjacent to any existing or proposed public accessways or view corridors. There are no opportunities on the project site for coastal access or views as the site is located 0.39-mile from the Tijuana River Valley 2.36 miles from the Pacific Ocean and is surrounded on all sides by existing residential and school development. Therefore, the proposed coastal development will not encroach upon any physical public accessways or impair any public views specified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed project would subdivide one lot into 20 lots consisting of 18 single-dwelling units, one HOA lot for private driveways and one HOA lot for a water quality infiltration basin. The 3.63-acre project site is located at 1695 Saturn Boulevard and is developed with one single-dwelling unit and two accessory barn and silo structures that would be demolished. The site was historically used for agricultural uses and is completely disturbed with some non-native vegetation. The site does not contain nor is adjacent to any

Environmentally Sensitive Lands (ESL), Multi-Habitat Planning Area (MHPA) lands or wetlands. The project site is located in a developed neighborhood and is surrounded by existing development on all sides, including single-dwelling units to the west and south, multi-dwelling units to the north with Godfrey G. Berry Elementary School and Berry Park to the east.

Mitigation Negative Declaration (MND) No. 566657 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 to mitigate potentially significant impacts to Historical Resources (Archaeology), and Tribal Cultural Resources to below a level of significance. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The 3.63-acre project site is located at 1695 Saturn Boulevard and is developed with one, single-dwelling unit and accessory structures. The Otay Mesa-Nestor Community Plan designates the site for Very Low Density residential development at a rate of 0-5 units per acre, or 0-18 units allowed onsite. The site is currently zoned AR-1-2, which allows only one dwelling unit on the existing single lot, which does not fully implement the Community Plan land use density range. The project includes a request to rezone the site to RS-1-7, which would allow a maximum of 18 dwelling units onsite, allowing full implementation of the Community Plan land use density range by providing 4.9 dwelling units per acre. The proposed site is designated in the General Plan as Residential, consistent with the 18 proposed single-dwelling units.

The proposed demolition of the existing improvements and the 18 single-dwelling units have been designed to conform with the certified Local Coastal Program. Further, the project is consistent with the recommended residential land use, design guidelines, and development standards in effect for this site per the adopted Otay Mesa-Nestor Community Plan and the City of San Diego Progress Guide and General Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The 3.63-acre site is located at 1695 Saturn Boulevard within an urbanized area of the Otay Mesa-Nestor, immediately west of a public elementary school and park, 0.39-mile from the Tijuana River Valley and 2.36 miles from the Pacific Ocean. This project is not located between the nearest public road and the sea or any body of water and therefore, the project complies with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**II. PLANNED DEVELOPMENT PERMIT-SAN DIEGO MUNICIPAL CODE
(SDMC) SECTION 126.0605:**

A. Findings for all Planned Development Permits:

1. The proposed development will not adversely affect the applicable land use plan. The 3.63-acre project site is located at 1695 Saturn Boulevard and is developed with a single-dwelling unit and two accessory structures. Surrounding development includes single-dwelling units to the west and south, multi-dwelling units to the north with Godfrey G. Berry Elementary School and Berry Park to the east. The site is located in a developed, urban, residential neighborhood with agricultural uses located just south of the site in the Egger Highlands neighborhood, past the adjacent single-dwelling units on Leon Avenue. The site was historically used for agricultural uses and is completely disturbed with some non-native vegetation.

The project would demolish the existing site improvements and create 18 single-dwelling units for future development within a developed neighborhood with similar uses. The existing improvements have been evaluated and determined to not be a historic resource and are in a state of disrepair.

The Otay Mesa-Nestor Community Plan designates the site for Very Low Density residential development at a rate of 0-5 units per acre, or 0-18 units allowed onsite. The site is currently zoned AR-1-2, which allows only one dwelling unit on the existing single lot, which does not fully implement the Community Plan land use density range. The project includes a request to rezone the site to RS-1-7, which would allow a maximum of 18 dwelling units onsite, allowing full implementation of the Community Plan land use density range by providing 4.9 dwelling units per acre. The proposed site is designated in the General Plan as Residential, consistent with the 18 proposed single-dwelling units.

The project is consistent in character, density, scale and intensity with the established single-unit residential developments to the west and south and provides a transition between the medium density apartments to the north and the rural character of the agricultural uses and Egger Highlands to the south. The project would implement the goals of the Community Plan by providing a residential development that is compatible with the surrounding residential uses and strategically place additional street lights in the community. 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 proposed development will not be detrimental to public health, safety and welfare in that the permits controlling the development and continued use of the site contain 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 proposed subdivision will include a public right-of-way dedication and improvement of 10 feet on Leon Avenue including ADA compliant noncontiguous sidewalk. Saturn Boulevard right-of-way will provide an Irrevocable Offer of Dedication so that Saturn can be widened in the future if the existing lots adjacent to it are redeveloped. The private driveways through the project between Leon and Rimbey Avenues will have a sidewalk on one side so that pedestrians can travel safely through the project site. The corners of Saturn Boulevard and Leon Avenue and Saturn Boulevard and Rimbey Avenue, adjacent to this site will also be improved to meet ADA accessibility requirements.

The project would not result in risk from fire hazards and it is 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 project site as confirmed by the Geotechnical Investigation that was prepared for the project. Mitigation Negative Declaration (MND) No. 566657 has been prepared for this project in accordance with CEQA guidelines. An MMRP would be implemented to mitigate potentially significant impacts to Historical Resources (Archaeology), and Tribal Cultural 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 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 3.63-acre project site is located at 1695 Saturn Boulevard and is developed with a single-dwelling unit and two accessory structures. Surrounding development includes single-dwelling units to the west and south, multi-dwelling units to the north with Godfrey G. Berry Elementary School and Berry Park to the east. The site is located in a developed, urban, residential neighborhood with agricultural uses located just south of the site in the Egger Highlands neighborhood, past the adjacent single-dwelling units on Leon Avenue. The site was historically used for agricultural uses and is completely disturbed with some non-native vegetation.

The site is currently zoned AR-1-2 (Agricultural-Residential), which allows one unit per lot or one unit allowed on the project site. The Otay Mesa-Nestor Community plan designates the site for Very Low Density residential development at a rate of 0-5 dwelling units per acre. Because the current AR-1-2 zone does not allow full implementation of the Community Plan land use density, the project includes a request to rezone the site to RS-1-7, which is a single-family zone that allows one dwelling unit per 5,000 square feet of lot area or 18 units allowed on the project site. The site would go from 0.27 dwelling units per acre to 4.9 dwelling units per acre.

This application includes a request to deviate from San Diego Municipal Code (SDMC) Table 131-04D and SDMC section 131.0442(a), which require 50 feet of frontage on a dedicated public street for each lot. The project would create Lots 2-11 and 16 without frontage as the project would be accessed by private driveways. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit.

The project incorporates the "Saturn Boulevard Architectural Design Guide" design guidelines to establish design standards for the development of the proposed 18 single-family homes and to supplement the standard SDMC development regulations. These guidelines address the overall external appearance of the development and the specific guidance regarding building forms, materials, setbacks, fencing/wall heights and architectural style is intended to guide the development of an aesthetically cohesive community, while allowing for the distinctiveness of a new subdivision in the Otay Mesa-Nestor neighborhood.

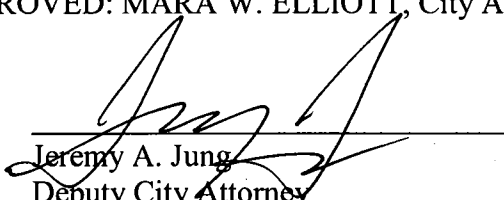
The deviation is consistent with the purpose and intent of the RS-1-7 zone and the Otay Mesa-Nestor Community Plan, by allowing a more efficient use of the site to fully realize the Community Plan residential density. The deviation also encourages the orderly development of single-dwelling units in a manner consistent with the surrounding residential and school uses and the Community Plan goal to ensure the conservation of neighborhood character. With the exception of the requested street frontage deviation, the subdivision would comply with all applicable zoning and development regulations, including density, lot size and lot dimensions.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1996525 and Coastal Development Permit No. 1996526 is granted to Saturn Boulevard, LLC, Owner/ Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jeremy A. Jung
Deputy City Attorney

JAJ:als
08/23/2019
09/24/2019 Rev. Copy
Or.Dept: DSD
Doc. No.: 2090944_2

Attachment: Planned Development Permit No. 1996525, and Coastal Development Permit No. 1996526

**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: 24007418 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 1996525
COASTAL DEVELOPMENT PERMIT NO. 1996526
SATURN BOULEVARD-PROJECT NO. 566657 [MMRP]
CITY COUNCIL**

This Planned Development Permit No. 1996525 and Coastal Development Permit No. 1996526 (collectively, Permit) is granted by the City Council of the City of San Diego to Saturn Boulevard, LLC, a California limited liability company, owner and permittee (Owner/Permittee), pursuant to San Diego Municipal Code (SDMC) sections 126.0604 (Planned Development Permit) and 126.0707 (Coastal Development Permit). The 3.63-acre site is located at 1695 Saturn Boulevard, in the AR-1-2 zone, to be rezoned to RS-1-7, in the Coastal Overlay Zone (Non-Appealable Area 2), Parking Impact Overlay Zone (Coastal) within the Otay Mesa-Nestor Community Plan. The project site is legally described as: Lot 8 of Voller's addition to Oneta, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 518, filed in the Office of the County Recorder of San Diego County, March 27, 1888.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the site into twenty lots for the future development of eighteen single family dwelling units and two Home Owners Association (HOA) lots with private driveways and an infiltration basin, described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated September 17, 2019, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing single-family residence and two detached accessory structures to allow subdivision of the site into 18 single-dwelling unit lots, of which two are affordable housing units, and two HOA lots for the future construction of 18 residential units. HOA Lot A would be for an infiltration basin and HOA Lot B would be for the private driveways.
- b. Approval of the design guidelines, included as part of Exhibit "A," to guide future development of the single-family homes;

- c. Deviation from the San Diego Municipal Code as follows:
 - Street Frontage - A deviation from San Diego Municipal Code (SDMC) section 131.0431(b) Table 131-04D, to allow for Lots 2-11 and 16 to have no frontage on a dedicated public right of way.
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. Construction of associated site improvements including storm drains, street light and landscape areas; and
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by SEP 17 2022.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. Owner/Permittee is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
10. 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.
11. 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:

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

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 566657, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 566657 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:

**Historical Resources (Archaeology)
Tribal Cultural Resources**

CLIMATE ACTION PLAN REQUIREMENTS:

15. 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:

16. Prior to receiving the first residential building permit or recordation of the final map, whichever shall first occur, 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 performing the following, to the extent permitted by applicable law:

Enter into an agreement with the San Diego Housing Commission, secured by a performance deed of trust, to provide at least 10% of the total units at the project as affordable to households earning at or below 100% of area median income in compliance with the Inclusionary Affordable Housing Regulations. The agreement shall provide that the affordable units must be offered for sale within 12 months from issuance of the first residential building permit and that the Owner/Permittee shall diligently pursue the sale of such affordable units until all affordable units have been sold. If the affordable units are not offered for sale and/or sale is not diligently pursued by the Owner/Permittee, Owner/Permittee shall pay the Inclusionary Affordable Housing Fee for the entire project to the San Diego Housing Commission, upon notice, based

upon the rate in effect at the time the first building permit was issued, plus interest at the legal rate to the date of payment. The agreement, secured by a performance deed of trust, shall be executed before the issuance of the first residential building permit or the recordation of the final map, whichever shall first occur, in a form as approved by the San Diego Housing Commission and its General Counsel, and the Agreement shall provide that time is of the essence in marketing the affordable units.

ENGINEERING REQUIREMENTS:

17. The Owner/Permittee shall comply with all conditions of the Final Map, Vesting Tentative Map No. 1996523.

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

19. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

20. The drainage system proposed for this development is private and subject to approval by the City Engineer.

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

22. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

23. 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.

24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 25-foot driveway per current City Standard, adjacent to the site on Leon Avenue.

25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 25-foot driveway per current City Standard, adjacent to the site on Rimbe Avenue.

26. Prior to the issuance of any building permit, the Owner/Permittee shall ensure the closure of non-utilized two (2) driveways adjacent to site on Saturn Boulevard with current City Standard curb, gutter and sidewalk and restore parkway to original condition, satisfactory to the City Engineer.
27. Prior to the issuance of any building permit, the Owner/Permittee shall ensure the relocation of the utility boxes and bollards encroaching into the sidewalk adjacent to site on Saturn Boulevard and Leon Avenue, as shown on the approved Exhibit "A," satisfactory to the City Engineer.
28. Prior to the issuance of any building permit, the Owner/Permittee shall grant to the City a 12-foot wide Irrevocable Offer of Dedication for Right-of-Way purposes adjacent to site on Saturn Boulevard, as shown on the approved Exhibit "A," satisfactory to the City Engineer.
29. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and improve an additional 5.0 feet adjacent to the site on Rimbey Avenue, as shown on the approved Exhibit "A," to the satisfaction of the City Engineer.
30. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and improve a triangular area at the northwest corner of the property, the corner of Leon Avenue and Saturn Boulevard, as shown on the approved Exhibit "A," to the satisfaction of the City Engineer.
31. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and improve a triangular area at the northeast corner of the property, the corner of Rimbey Avenue and Saturn Boulevard, as shown on the approved Exhibit "A," to the satisfaction of the City Engineer.
32. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
33. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlets in the Rimbey Avenue Right-of-Way.
34. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for landscape and irrigation in the Rimbey Avenue, Saturn Boulevard, and Leon Avenue Right-of-Way.
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. Tree root barriers shall be installed where trees are placed within 5 feet of public improvements including walks, curbs, or street pavements or where new public improvements are placed adjacent to existing trees. Along Leon Avenue, root barriers shall be installed adjacent to the future curb at 3-feet north of the existing asphalt berm. 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 section 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 Final Inspection.

GEOLOGY REQUIREMENTS:

42. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

43. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PLANNING/DESIGN REQUIREMENTS:

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. Accessory structures, including trash enclosures, shall be architecturally compatible in style and building materials with the primary buildings on the premises.

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

47. 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

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. Prior to any work starting in the City of San Diego street right-of-way, the Owner/Permittee shall obtain a public right-of-way permit for traffic control, satisfactory to the City Engineer.

50. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate 10-foot for public right of way purposes along the project's Leon Ave frontage and assure by permit and bond the construction of a 12-foot parkway with non-contiguous 5-foot wide sidewalk, satisfactory to the City Engineer.

51. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of directional curb ramps at the northeast corner of Leon Ave and Saturn Blvd, satisfactory to the City Engineer.

52. As part of the improvements along Leon Avenue, provide a 2:1 transition from proposed sidewalk to existing AC sidewalk, satisfactory to the City Engineer.

53. The project shall implement right in/right out access only on Leon Avenue driveway, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

54. Prior to issuance of any construction permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for proposed private sewer connecting to public sewer in Rimbey Avenue, satisfactory to the City Engineer.

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

56. All on-site sewer facilities will be private, satisfactory to the City Engineer.

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

58. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities, satisfactory to the City Engineer.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on September 17, 2019 and by Resolution No. R-312664.

Permit Type/PTS Approval No.: 566657
Date of Approval: September 17, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Bryan Hudson
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.**

Saturn Boulevard, LLC
Owner/Permittee

By _____
NAME
TITLE

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

Doc. No. 2091259_2

Passed by the Council of The City of San Diego on SEP 17 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 SEP 17 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- 312664