

RESOLUTION NUMBER R- 313124

DATE OF FINAL PASSAGE JUN 23 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO.
2243451 FOR 4TH AVENUE APARTMENTS PROJECT -
PROJECT NO. 588751.

WHEREAS, Fourth and Laurel, a California limited partnership, Owner, and Richard Simis, Permittee, filed an application with the City of San Diego for a Site Development Permit to construct a 36-unit mixed-use development known as the 4th Avenue Apartments project (Project), located at 2426 4th Avenue, between Laurel Street and Kalmia Street, within the Uptown Community Plan area and legally described as Lots "H" and "I" in Block 280 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, According to Map thereof by LL. Lockling, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, the site is in the CC-3-9 Zone, and the Very High Fire Hazard Severity Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ A), Residential Tandem Parking Overlay Zone, Transit Priority Area, Airport Influence Area for San Diego International Airport (SDIA) – Review Area 1, SDIA 60-65 Community Noise Equivalent Level (CNEL), SDIA Safety Zone 3NE, Federal Aviation Administration (FAA) Part 77 Notification Area for SDIA and North Island Naval Air Station (NAS), the Airport Environs Overlay Zone, and the Airport Approach Overlay Zone (AAOZ) for SDIA; and

WHEREAS, the Project must be submitted to the San Diego County Regional Airport Authority (SDCRAA), serving as the Airport Land Use Commission (ALUC), for a consistency

determination with SDIA Airport Land Use Compatibility Plan (ALUCP) because of the Project's proposed density and location within SDIA-Review Area 1; and

WHEREAS, at its meeting on October 4, 2018, the SDCRAA, acting in its capacity as the ALUC, reviewed the Project and determined it inconsistent with the ALUCP because it exceeds the ALUCP's allowable intensity factor for mixed use development with respect to residential density for the area in which it is located, Safety Zone 3 Northeast (3NE); and

WHEREAS, on March 9, 2020, pursuant to the California Public Utilities Code (CPUC) and San Diego Municipal Code (SDMC), the City Council voted 9-0 to adopt Mitigated Negative Declaration (MND) No. 588751 and the Mitigation Monitoring and Report Program (Resolution No. 312873) and to propose to overrule the SDCRAA's determination of inconsistency (Resolution No. 312874); and

WHEREAS, City Staff determined the Project exceeds the maximum allowable residential density per the residential factor established by the ALUCP for a mixed-use project, and a City Council override of this inconsistency determination is required pursuant to SDMC section 132.0310; and

WHEREAS, the Project requires a Site Development Permit for the City Council to override the determination of inconsistency with the intensity of the development within Safety Zone 3NE of the ALUCP for SDIA in accordance with SDMC sections 126.0502(e) and 132.0310; and

WHEREAS, on April 16, 2019, the Planning Commission of the City of San Diego considered Site Development Permit No. 2243451, and pursuant to Resolution No. PC-5079, the Planning Commission voted to recommend City Council override the determination of inconsistency and 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 Project is within the scope of Mitigated Negative Declaration (MND) No. 588751 adopted by the City of San Diego on March 9, 2020, and pursuant to CEQA Guidelines Section 15162, there is no substantial change in circumstance, project changes, or new information that warrant additional environmental review or the preparation of a new environmental document; and

WHEREAS, on June 23, 2020, pursuant to the California Public Utilities Code and the San Diego Municipal Code, the City Council overruled the SDCRAA's determination of inconsistency; and

WHEREAS, pursuant to SDMC Section 132.1555, any associated development permit shall be consolidated with the City Council hearing regarding the overrule and the matter was set for public hearing on June 23, 2020, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, pursuant to SDMC Section 132.0310, a two-thirds vote of the Council is required for passage of this resolution; 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. 2243451:

**A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504(a)**

1. The proposed development will not adversely affect the applicable land use plan. The application for the 4th Avenue Apartments development project (Project) is for a residential and commercial mixed-use development with a mix of affordable and market rate dwelling units. The Uptown Community Plan designates the 0.23-acre development site for Community Commercial which allows up to 109 dwelling units per acre as part of a mixed-use development, and is zoned CC-3-9, allowing 26 dwelling units on the site. The Project is proposing to designate 15 percent of the allowed number of dwelling units, as affordable housing of a very low-income level designation. Under the City's Affordable Housing Regulations, this designation permits an increase of 50 percent of the allowed dwelling units for an additional 13 dwelling units, totaling 39 dwelling units; however, the Project is only proposing 36 dwelling units. In total, the Project will include 36 dwelling units as well as approximately 1,174 square feet of ground floor commercial uses along Fourth Avenue.

The Affordable Housing Regulations allow the Project to incorporate up to five development incentives, as described in Table 143-07A of the San Diego Municipal Code. The Project is requesting the following deviations as its five incentives. The incentives will allow the Density Bonus units to be constructed on-site with no deviations required to the Land Development Code. The incentives are as follows:

Incentives		
SDMC Section	Required/Allowed	Proposed
Maximum Building Height specified by the AAOZ Section 132.0205	275 feet	Allow the maximum building height to exceed the AAOZ height limit by 35.85 feet.
Maximum Building Height specified by the CPIOZ Section 132.1401, Diagram 132.14K	65 feet above ground level	Allow the maximum building height to exceed the CPIOZ height limit by 8.15 feet.
Ground Floor Restriction Section 131.0540(c)(1)	Commercial uses along front half of property	Lobby area (accessory residential use) within front 30-feet of the property
Private Exterior Open Space Section 131.0455(d)	All residential units provide a minimum area of 50 square feet of private exterior open space	Five dwelling units without private exterior open space
Side and Rear Yard Setbacks Section 131.0543(b)	Structure must be placed at zero- or 10-foot Side and Rear Yard Setbacks	1.625 feet Side Yard Setback 1.5 feet Rear Yard Setback

The proposed Project would implement the goals and policies of the General Plan and Uptown Community Plan by providing a mixed-use development with affordable units along a high frequency transit corridor. The General Plan's City of Villages strategy focuses new development within corridors and villages served by high frequency transit. The proposed Project is also implementing the City's Climate Action Plan by placing new mixed-use development within a Transit Priority Area. The Community Plan's Land Use Element and Urban Design Element contains policies to develop high density mixed-use projects on commercial mixed-use transit corridors with pedestrian-oriented building frontages that contribute to a vibrant public realm. The proposed Project would be consistent with the streetscape and public realm policies of the Urban Design Element. The proposed Project would include non-contiguous sidewalks with landscaped parkways on Fourth Avenue to provide a buffer between pedestrians and the street edge. The proposed Project implements the Community Plan's street tree plan by incorporating the Jacaranda, three 24-inch box, within the parkway to provide shade and add visual interest to the public realm.

The proposed Project's design would help implement the development form policies of the Urban Design Element. The ground level uses combine changes in depth with a change in material, which contribute to a pedestrian scale environment. The Project maintains a consistent street wall along Fourth Avenue and provides building entrances that are level with the adjacent public sidewalk. The Project incorporates façade articulation using balconies and windows along Fourth Avenue that add visual variety and interest to the building façade.

The proposed Project is located along Fourth Avenue which is identified in the Community Plan as a Class II bicycle route, set to become designated a Class IV cycle track. A goal of the Mobility Element of the General Plan is to encourage bicycling as a viable travel choice within the City. The Project would assist in attaining this goal by providing 15 onsite bicycle parking spaces. The Community Plan's Mobility Element contains recommendations to place off-street parking underground and/or screened from the public right-of-way and adjacent residences. The proposed Project would implement this recommendation by enclosing all off-street parking within one level of at grade and one level of underground parking.

Policy NE-A.4 of the Noise Element of the General Plan requires an acoustical study consistent with Acoustical Study Guidelines (Table NE-4 of the General Plan) for proposed developments in areas where the existing or future noise level exceeds or would exceed the "compatible" noise level thresholds as indicated on the Land Use-Noise Compatibility Guidelines (Table NE-3 of the General Plan), so that noise mitigation measures can be included in a development project's design to meet noise guidelines. According to Table NE-3, a proposed mixed-use project within an exterior noise exposure level of 60 decibel (dB) and up to 70 dB Community Noise Equivalent Level (CNEL) would be "conditionally compatible" and must attenuate exterior noise to an indoor noise level of 45 dB CNEL.

An acoustical report prepared for the proposed Project evaluated traffic levels on Fourth Avenue and noise aircraft associated with the San Diego International Airport in relation to the proposed Project. The acoustical report indicates that the building face of the proposed Project would be exposed to a traffic noise level of 65.0 dB CNEL and that ultimate noise level from aircraft are estimated at 62 dB CNEL. The result is a combined noise level of 67 dB CNEL.

According to Table NE-3 of the General Plan, proposed projects having a noise level of 65-70 dB CNEL are “conditionally compatible” and must be capable of attenuating exterior noise to an indoor level of 45 dB CNEL. Based on calculations performed as part of the noise study, a minimum noise reduction of 22 dB would be achieved through provision of mechanical ventilation and acoustical treatments that reduce interior noise level by incorporating roof, ceiling, wall, doors, and windows with specified Sound Transmission Class (STC) ratings into project design. Therefore, the proposed Project would meet the 45 dB CNEL interior noise level. The Project will also be providing an avigation easement regarding the overflight of aircraft to the San Diego County Regional Airport Authority as a condition of approval as required by the Noise Element of the General Plan, and the ALUCP for SDIA.

The design considerations incorporated into the Project make it consistent with the General Plan and the Uptown Community Plan; and therefore, the Project 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 site currently is a vacant lot with no structures, and it is located in a developed urban neighborhood served by existing streets, sidewalks and public utilities, including water, sewer, gas, and electric. The Project will have adequate levels of essential public services such as police, fire, and emergency medical services, including access to two major hospitals in the Medical Complex neighborhood directly to the north.

The Project will not be detrimental to public health, safety and welfare because the permit controlling the development and use of the site requires compliance with the City codes, policies, regulations and other regional, state, and federal regulations, except where design incentives are identified in this permit. Construction plans will be reviewed by City staff to ensure they comply with all building code regulations. The Project will be inspected by certified building and engineering inspectors to assure construction is in accordance with the approved plans and regulations.

The Project is required to comply with seismic requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices (including recommendations contained within the Geotechnical Investigation), verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards, including fault rupture, would be less than significant.

The Project site is located approximately 0.9 miles from the San Diego International Airport (SDIA) and is within the Airport Approach Overlay Zone (AAOZ) contained within Chapter 13, Article 2, Division 15 of the San Diego Municipal Code. The Project is seeking an affordable housing incentive to deviate from the AAOZ by 35 feet. In 1984, the City adopted the AAOZ as a planning tool to restrict building heights primarily for the approach and departure areas for SDIA. The AAOZ does not implement federal aviation regulations or Airport Land Use Commission policies for airspace protection.

In 1990, the San Diego Association of Governments (SANDAG) as the Airport Land Use Commission (ALUC) for San Diego County adopted the Comprehensive Land Use Plan (CLUP)

for SDIA and incorporated the AAOZ into the plan. In 2014, the San Diego County Regional Airport Authority as the ALUC, adopted the Airport Land Use Compatibility Plan (ALUCP) for SDIA which replaced the CLUP. The ALUCP is intended to provide for the orderly development of the Airport and the area surrounding the Airport and protect public health, safety and welfare in areas around the Airport.

The ALUCP replaced the AAOZ with the Threshold Sitting Surface (TSS) as the planning tool to limit building heights needed to protect airspace. The TSS geographically is smaller than the AAOZ and does not contain the same height limits as the AAOZ. The Project site is outside of the TSS area and is therefore consistent with the ALUCP for airspace protection. The proposed Project is seeking an overrule of the ALUC's ruling of inconsistency based on the ALUCP's limitation on residential density.

The Project is also subject to the Federal Aviation Regulations (FAR), Part 77 which requires that projects submit application to the Federal Aviation Administration (FAA) to determine if the proposed buildings would be a hazard to air navigation. The City and the ALUCP also require that projects obtain a "no hazard" determination from the FAA. The Project received a determination of no hazard from the FAA on July 18, 2017, and an extension of the determination on February 7, 2019. The proposed Project is consistent with the ALUCP for building height and has received a determination of no hazard from the FAA.

All Uniform Building, Fire Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this Project. Therefore, as proposed, the Project will not be detrimental to the public health, safety, or welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The Project will comply with the applicable regulations of the Land Development Code for a mixed-use residential and commercial retail space with approval of the SDP for the proposed Project. The CC-3-9 zone allows for commercial and residential mixed-use development. This Project will provide commercial retail and residential on the bottom floor within the commercial zone with residential above. The applicant has requested a density bonus in accordance with the City's Affordable Housing Regulations. In exchange for restricting 15 percent of the allowed 26 dwelling units (four units) as affordable to very-low income households, the applicant is eligible for a 50 percent density bonus, for a total of 39 dwelling units, however, the Project is only proposing 36 dwelling units. In total, the Project will include 36 residential dwelling units as well as 1,174 square feet of ground floor commercial uses along Fourth Avenue.

The Affordable Housing Regulations allow the proposed 36-unit residential mixed-use Project to incorporate up to five development incentives, as described in Table 143-07A of the San Diego Municipal Code. Pursuant to SDMC Section 143.0740, an incentive can mean a deviation to a development regulation. The applicant is requesting that five incentives be used for the following five deviations. The incentives will allow the Density Bonus units to be

constructed on-site with no deviations required to the Land Development Code. The incentives are as follows:

Incentives		
SDMC Section	Required/Allowed	Proposed
Maximum Building Height specified by the AAOZ Section 132.0205	275 feet	Allow the maximum building height to exceed the AAOZ height limit by 35.85 feet.
Maximum Building Height specified by the CPIOZ-A Section 132.1401, Diagram 132.14K	65 feet above ground level	Allow the maximum building height to exceed the CPIOZ height limit by 8.15 feet.
Ground Floor Restriction Section 131.0540(c)(1)	Commercial uses along front half of property	Lobby area (accessory residential use) within front 30-feet of the property
Private Exterior Open Space Section 131.0455(d)	All residential units provide a minimum area of 50 square feet of private exterior open space	Five dwelling units without private exterior open space
Side and Rear Yard Setbacks Section SDMC 131.0543(b)	Structure must be placed at zero- or 10-foot Side and Rear Yard Setbacks	1.625 feet Side Yard Setback 1.5 feet Rear Yard Setback

The first incentive pertains to the building's height as measured from above mean sea level. The Airport Approach Overlay Zone (AAOZ) limits Project to 275 feet Above Mean Sea Level (AMSL) at the northern portion of the Project along Fourth Avenue. The proposed maximum building height is approximately 310 feet AMSL at its highest point along Fourth Avenue. The proposed building at its highest point would exceed the AAOZ by approximately 35 feet. Due to the need for off-street parking and the incorporation of ground-level commercial space, an additional floor of apartment units is necessary to make the Project financially viable according to the applicant.

The ALUCP for San Diego International Airport (SDIA) was updated in 2014 and it replaced the AAOZ with the Threshold Sitting Surface (TSS) as the planning tool to limit building heights with the approach area to SDIA. The TSS is geographically smaller than the AAOZ and does not contain the same height limits as the AAOZ. The proposed Project is seeking an overrule of the ALUC's ruling of inconsistency based on the ALUCP's limitation on intensity of the development which is separate from building height.

The Project is also subject to the Federal Aviation Regulations (FAR), Part 77 which requires that projects submit application to the Federal Aviation Administration (FAA) to determine if the proposed buildings would be a hazard to air navigation. The City and the ALUCP also require that development projects obtain a "no hazard" to air navigation determination from the FAA. The Project received a determination of no hazard from the FAA

on July 18, 2017 and an extension of the determination on February 7, 2019. The proposed Project is consistent with the ALUCP for building height, is located outside of the TSS area, and has received a determination of no hazard to air navigation from the FAA.

The second incentive also pertains to the building's height as measured from above ground level. The Community Plan Implementation Overlay Zone (CPIOZ) Type A limits maximum building height at 65 feet above ground level. Proposed projects that exceed the height limitations may be approved to the maximum allowed floor area of the base zone for zones without a maximum height limit if they comply with the applicable regulations of the Municipal Code and are consistent with the applicable policies in the General Plan and Uptown Community Plan. The proposed building height is 73.15 feet, or 8.15 feet more than regulated by the CPIOZ. The CC-3-9 base zone does not limit building heights. The Project's proposed floor area of 39,468 square feet is less than the maximum 40,240 square feet allowed in the CC-3-9 Zone, and the Project complies with the application regulations of the Municipal Code and is consistent with the applicable policies in the General Plan and Uptown Community Plan.

The third incentive is seeking to place a "residential" use at the front 30 feet of the lot. The use proposed would be a lobby, for the use of the tenants to access the public right-of-way. The main purpose of this regulation is to prevent a dwelling unit to be located at the front of the lot, however, this space is being used as a means to connect the dwelling units that occur above, from the second floor and up, to the public right-of-way thus meeting the purpose and intent of not having a permanent dwelling unit at the ground floor along the street frontage.

The fourth incentive is to allow for the omission of private exterior spaces (balconies) for five dwelling units where all units are to have this space. The incentive is needed for two purposes: (1) to maintain SDGE's 30-foot minimum clearance requirement above the underground electrical vault which is located directly in front of two dwelling units that are on the second and third floor along the street front. The clearance is necessary for SDGE to access the vault by lifting the vault lid with crane equipment if necessary; and (2) to maintain the openness of the ground floor commercial space and building lobby entrance, to the sky by not including private exterior spaces (balconies) on the three second floor dwelling units along the street corridor. The second-floor elevation is at the minimum permitted along the street and is meant to maximize the floor levels so as to achieve the quantity of dwelling units proposed for the Project. The balconies required would project above the entrances and portion of the commercial space storefront, contributing to an "enclosed" feel of the spaces and diminish natural lighting. The omission of the five balconies would still be consistent with the Community Plan's Urban Design Element development form policies since it would result in visual variety and interest to the building façade.

The fifth incentive is to have side and rear yard setbacks that are neither the zero-foot or 10-foot required by the Land Development Code. Instead, the Project proposes a 1.5-foot setback at the rear and a setback of 1.625 feet on each side. This incentive is being sought to be able to provide the necessary shoring of the site perimeter, in order to build the subterranean parking level and provide the bearing walls for the habitable structure above. The proposed setbacks are essentially sought to facilitate construction of the development as proposed with minimal deviation, so the design meets the intent of the regulation.

Based on the above, the proposed development will comply with the regulations of the Land Development Code, including the five Affordable Housing Density Bonus incentives, and Federal Aviation Regulation, Part 77.

**B. SITE DEVELOPMENT PERMIT - SUPPLEMENTAL FINDINGS SDMC
SECTION 132.0310(B)**

1. The proposed development will not be detrimental to the public health, safety, and welfare. The Project proposes a residential and commercial mixed-use development consisting of 36 dwelling units, including four very-low income dwelling units, and an approximately 1,174 square-foot retail suite, parking and associated site improvements, with five development incentives in accordance with the Affordable Housing Regulations. The Project is a permitted use that is consistent with the Uptown Community Plan's Community Commercial land use designation, which allows up to 109 dwelling units per acre as part of a mixed-use development, the underlying CC-3-9 Zone, and the City's Affordable Housing Regulations. The Project site is located within the Uptown Community Plan's Neighborhood Village, which promotes very-high residential densities and non-residential intensities along major commercial mixed-use transit corridors and proposes a development intensity similar to existing office and mixed-use developments in the area.

The Project site is located approximately 0.9 miles from the San Diego International Airport (SDIA). Project is subject to the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for SDIA. In 2014, the SDCRAA as the ALUC, adopted a comprehensive update to the ALUCP for SDIA. The ALUCP is intended to provide for the orderly development of the Airport and the area surrounding the Airport and protect public health, safety and welfare in areas around the Airport.

For airspace protection, the ALUCP uses Threshold Sitting Surface (TSS) as the planning tool to limit building heights. The Project site is outside of the TSS area and is therefore consistent with the ALUCP for airspace protection. The Project is also subject to the Federal Aviation Regulations (FAR), Part 77 which requires that projects submit application to the Federal Aviation Administration (FAA) to determine if the proposed buildings would be a hazard to air navigation. The City and the ALUCP also require that projects obtain a "no hazard" to air navigation determination from the FAA. The Project received a determination of no hazard to air navigation from the FAA on July 18, 2017 and an extension of the determination on February 7, 2019. The proposed Project is consistent with the ALUCP for building height and has received a determination of no hazard from the FAA. Furthermore, the Project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis determined the proposed project could have a significant environmental effect with regard to Noise (construction-related). However, potential impacts would be mitigated to below a level of significance with specific mitigation measures identified in the Project's Mitigation, Monitoring, and Reporting Program. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

2. The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible. The Project will minimize the public's

exposure to excessive noise and safety hazards to the extent feasible. The Project is located within the 60-65 dB CNEL noise contour. The ALUCP for SDIA identifies commercial uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, and identifies residential uses located within the 60-65 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. The ALUCP for SDIA contains policies to ensure that noise attenuation is required to ensure an interior noise level of 45 dB CNEL for developments exposed to exterior aircraft noise levels 60 dB CNEL or greater. An acoustical report prepared for the Project evaluated traffic levels on Fourth Avenue and aircraft noise associated with the San Diego International Airport in relation to the proposed Project. The acoustical report indicates that the building face of the proposed Project would be exposed to a traffic noise level of 65 dB CNEL and that ultimate noise level from aircraft are estimated at 62 dB CNEL. The result is a combined noise level of 67 dB CNEL.

According to Table NE-3 of the General Plan, proposed projects having a noise level of 65-70 dB CNEL are “conditionally compatible” and must be capable of attenuating exterior noise to an indoor level of 45 dB CNEL. Based on calculations performed as part of the noise study, a minimum noise reduction of 22 dB would be achieved through provision of mechanical ventilation and acoustical treatments that reduce interior noise level by incorporating roof, ceiling, wall, doors, and windows with specified Sound Transmission Class (STC) ratings into project design. Therefore, the Project would meet the 45 dB CNEL interior noise level. The Project will also be providing an aviation easement to the San Diego County Regional Airport Authority as a condition of approval as required by the Noise Element of the General Plan, and the ALUCP for SDIA.

3. The proposed development will meet the purpose and intent of the California Public Utilities Code Section 21670. The purpose and intent of the California Public Utilities Code section 21670 is to “provide for the orderly development of each public use airport in the state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.” In addition, the purpose and intent of the section is also “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas located around public airports to the extent that these areas are not already devoted to incompatible uses.”

The proposed Project received a “no hazard” to air navigation determination from the FAA and is outside of Threshold Siting Surface used by the ALUCP for SDIA to limit building heights and protect airspace within the runway approach area; and therefore, the proposed development would not impact existing or an expansion of future airport operations.

An acoustical report prepared for the Project evaluated traffic levels on Fourth Avenue and aircraft noise associated with the San Diego International Airport in relation to the proposed Project. The acoustical report indicates that the building face of the proposed Project would be exposed to a traffic noise level of 65.0 dB CNEL and that ultimate noise level from aircraft are estimated at 62 dB CNEL. The result is a combined noise level of 67 dB CNEL. Based on

calculations performed as part of the noise study, a minimum noise reduction of 22dB would be achieved through provision of mechanical ventilation and acoustical treatments. the Project would have an interior noise level that would not exceed 45 dB CNEL for habitable areas consistent with the ALUCP for SDIA; and therefore, the proposed development would not expose the people living or working in the building to excessive noise hazards.

The proposed Project site is in a neighborhood with existing higher density multifamily and commercial uses. The proposed residential commercial mixed-use Project is consistent with the adopted community plan for land use. The ALUCP for SDIA identifies residential and commercial uses as compatible uses for the site of the proposed Project; and therefore, the Project uses are consistent with the ALUCP for SDIA.

The ALUCP for SDIA limits density and intensity for proposed uses by safety zone and neighborhood based on the average existing development intensity and density. Residential uses are measured by dwelling units per acre and commercial uses are measured by people per acre. For mixed-use development, the ALUCP allows for residential density to be converted to intensity measured by people per acre, based on a people per household factor in the ALUCP, which is then added to the commercial intensity for the total intensity. A maximum of 50 percent of the maximum site intensity may be applied for residential uses. The Project exceeds the 50 percent threshold.

The Project is located in the ALUCP's Uptown Safety Zone 3NE. The overall ALUCP people per acre intensity for that zone location is 278 people per acre, which equates to 64 people for the 0.23-acre site. The residential portion of this Project cannot exceed 50 percent of the 64 people, which is 32 people ($64/2$). The maximum compatible number of units would be 22, using the ALUCP factor of 1.48 people per household ($32/1.48$).

The other 32 people that comprise the nonresidential half of the mixed-use Project is multiplied by the occupancy factor in the ALUCP to determine the maximum compatible commercial use. Retail sales has an occupancy factor of 170 square feet per person, which yields a total maximum area of 5,440 square feet as compatible with the ALUCP ($32 \times 170 = 5,440$). The nonresidential component of the Project, consisting of an approximately 1,174 square feet, is significantly below the compatibility threshold. The Project would have a total intensity of 60 people (53 residents and 7 retail space occupants) which does not exceed the 64 people ALUCP limitation for the site.

California Public Utilities Code section 21670 directs Caltrans to prepare an Airport Land Use Planning Handbook (Handbook) to provide guidance to local ALUCs when preparing an ALUCP. Within highly density areas with high-rise and mid-rise buildings, the Handbook allows for infill development at the average density and intensity of existing uses. The Project's proposed land use intensity is consistent with the existing average intensity for the high density residential and commercial mixed-use developments in the immediate area as shown in the following figure. The existing office and mixed-use higher intensity developments show in the figure have an average of 351 people per acre. The Project would have an intensity of 261 people per acre; and therefore, the Project is consistent with the Handbook and CPUC section 21670.

Comparison between Existing Development and the Project							
Name	Address	Lot Size	Stories	Use	Non-Res Floor Area	Units	People per Acre
5 th & Laurel Financial Centre	2550 5 th Ave	1.38 Acres	18	Office	160,000	0	539
5 th & Laurel Corporate Center	2445 5 th Ave	0.36 Acres	6	Office	40,000	0	517
Imperial Towner Apartments	2399 5 th Ave	0.46 Acres	14	Mixed-Use	13,000	89	420
4 th Avenue Apartments	2455 4 th Ave	0.23	6	Mixed-Use	1,174	36	261
2400 6 th Apartments	2400 6 th Ave	0.35 Acres	11	Multi-Family	0	60	254
Laurel Bay	2400 5 th Ave	1.38 Acres	5	Mixed-Use	18,000	150	238
Park Laurel	2515 5 th Ave	1.34 Acres	14	Mixed-Use	10,000	94	139

The restriction of residential development based on a people per household factor and the 50 percent maximum site intensity that is applied to residential use for a mixed-use development per the ALUCP results in under-utilization of land and the inability of the Project to maximize density at a location along a major commercial mixed-use transit corridor intended for high residential density. Furthermore, the Project's proposed land use intensity is consistent with existing high intensity office, residential, and commercial mixed-use developments in the immediate area. Based on the above, and considering the consistency and compatibility of the Project with the land use designation per the Uptown Community Plan, and the City's Affordable Housing regulations, the Project's intensity below the 64 people ALUCP limitation for the site, and below the average existing intensity of the high intensity development in the immediate area, and the Project's location in a highly urban area already devoted to similar land uses, the Project meets the intent of CPUC section 21670.

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, based on the findings hereinbefore adopted by the City Council, Site Development Permit No. 2243451 is granted to Fourth and Laurel, a

California limited partnership, Owner, and Richard Simis, 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 /s/ Corrine L. Neuffer
Corrine L. Neuffer
Deputy City Attorney

CLN:als
05/27/2020
Or.Dept:DSD
Doc. No.: 2388553

Attachment: Site Development Permit No. 2243451

**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: 24007643 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SITE DEVELOPMENT PERMIT NO. 2243451
4th AVENUE APARTMENTS - PROJECT NO. 588751
CITY COUNCIL**

This Site Development Permit No. 2243451 is granted by the City Council of the City of San Diego to Fourth and Laurel, a California limited partnership, Owner, and Richard Simis, Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0505 and 132.0310(b). The 0.23-acre vacant lot is located at 2426 4th Avenue in the CC-3-9 Zone of the Uptown Community Plan area. The site is also located in the Very High Fire Hazard Severity Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ-A), Residential Tandem Parking Overlay Zone, Transit Priority Area, Airport Influence Area for San Diego International Airport (SDIA) – Review Area 1, SDIA 60-65 Community Noise Equivalent Level (CNEL), SDIA Safety Zone 3NE, Federal Aviation Administration (FAA) Part 77 Notification Area for SDIA and North Island Naval Air Station (NAS), Airport Environs Overlay Zone, and the Airport Approach Overlay Zone (AAOZ) for SDIA. The project site is legally described as: Lot “H” and “I” in Block 280 of Horton’s Addition, in the City of San Diego, County of San Diego, State of California, According to Map thereof by LL. Lockling, filed in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct a six-story, 36-dwelling unit mixed-use development described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 23, 2020, on file in the Development Services Department.

The project shall include:

- a. Construction of a six-story, 73.15-foot tall (above ground level), approximately 39,468-square-foot mixed-use building containing 36 dwelling units, including four units affordable to very low-income households, a 1,174-square-foot retail suite on the first floor, lobby area, and parking (one level at grade and one subterranean level);

- b. Approval of the following five development incentives:
 - 1. Allow a structure height of 73.15 feet, where 65 feet is allowed by right within the Community Plan Implementation Overlay Zone – A per SDMC Section 132.1401, Diagram 132.14K;
 - 2. Allow residential use within the front 30 feet of the lot where residential use and residential parking are prohibited on the ground floor in the front half of the lot per SDMC Section 131.0540(c)(1);
 - 3. Allow five dwelling units without usable, private exterior open space where each dwelling unit is required to provide a minimum area of 50 square feet per SDMC Section 131.0455(d);
 - 4. Allow side yard setbacks of 1.625 feet along both property side yards, and a rear-yard setback of 1.5 feet, where either a 0-foot or 10-foot minimum setback is required per SDMC Section 131.0543(b); and
 - 5. Allow a maximum structure height at 310.85 feet Above Mean Sea Level (AMSL), exceeding the AAOZ surface by 35.85 feet per SDMC Section 132.0205, which overlays the project site.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. 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 June 23, 2023.
- 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. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the 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 MITIGATED NEGATIVE DECLARATION NO. 588751 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 587751 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Noise (construction-related)

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 issuance of any construction permit for the building associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Affordable Housing Density Bonus Regulations of Chapter 14, Article 3, Division 7 of the San Diego Municipal Code. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which

incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement will specify that in exchange for the City's approval of the Project, which contains a 39% density bonus (10 units in addition to what is permitted by the underlying zoning regulations), alone or in conjunction with any incentives or concessions granted as part of Project approval, the Owner/Permittee shall provide four affordable density bonus units with rents of no more than 30% of 50% of AMI for no fewer than 55 years.

16. The Agreement referenced in the preceding paragraph will satisfy the requirements of San Diego Municipal Code section 143.1303(g) and therefore, exempts the Project from the Inclusionary Affordable Housing Regulations in Chapter 14, Article 2, Division 13 of the San Diego Municipal Code.

AIRPORT REQUIREMENTS:

17. Prior to issuance of building permits, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA), for the building and temporary construction crane.

18. Owner/Permittee shall assure the structure is marked and lighted in accordance with Determinations of No Hazard to Air Navigation for the building and a Determination of No Hazard to Air Navigation for temporary crane structure.

19. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall grant an avigation easement to the San Diego County Regional Airport Authority as the operator of the San Diego International Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the avigation easement form provided by the San Diego County Regional Airport Authority.

20. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an avigation easement has been granted across the property to the airport operator. The note shall include the County Recorder's recording number for the avigation easement.

ENGINEERING REQUIREMENTS:

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

22. The project proposes to export 4,710 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

23. The drainage system for this project is private and will be subject to approval by the City Engineer.
24. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall assure by permit and bond replacement of the damaged curb and gutter with new City standard curb and gutter, adjacent to the project site on Fourth Avenue, satisfactory to the City Engineer.
25. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the projecting balconies and SDG&E vault located in the Fourth Avenue right-of-way, satisfactory to the City Engineer.
26. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the curb outlet, landscape, irrigation and any temporary shoring system located in the Fourth Avenue right-of-way, satisfactory to the City Engineer.
27. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall assure, by permit and bond, the construction of a new City standard 20-foot driveway, adjacent to the site on Fourth Avenue, satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the damaged/nonconforming portions of the existing sidewalk with the same scoring pattern City Standard Sidewalk, adjacent to the site on Fourth Avenue, satisfactory to the City Engineer.
29. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall assure, by permit and bond, the removal of all private existing encroachments such as walls and fences in the right-of-way adjacent to the site on Fourth Avenue, satisfactory to the City Engineer.
30. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
31. Prior to the issuance of any construction permit, the Owner/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 City's Storm Water Standards.

GEOLOGY REQUIREMENTS:

32. Prior to the issuance of any construction permit (either for grading or building), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addressed the proposed

construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

LANDSCAPE REQUIREMENTS:

33. Prior to issuance of any construction permit for grading, 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.

34. Prior to issuance of any construction permit for right-of-way improvements, 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.

35. Prior to issuance of any construction permit for the building (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.

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

37. 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.

38. 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.

PLANNING/DESIGN REQUIREMENTS:

39. All 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 by the appropriate City decision maker in accordance with the SDMC.

40. Prior to issuance of any construction permit for the building, the Owner/Permittee shall submit an exterior to interior noise analysis identifying appropriate sound transmission reduction measures necessary to achieve an interior noise level that would not exceed 45 dB CNEL.

41. 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.

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

43. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

44. Prior to the issuance of any construction permit for the building, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPD's are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

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

46. Prior to issuance of any construction permit for the building, provide an Encroachment Maintenance and Removal Agreement for, and prior to, proposed improvements of any kind, including utilities, landscaping, enriched paving, and electrical conduits to be installed within the public right-of-way.

47. 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.

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

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

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

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 JUN 23 2020 and
by Resolution No. R-313124.

Permit Type/PTS Approval No.: SDP No. 2243451
Date of Approval: June 23, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Firouzeh Tirandazi
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.**

FOURTH AND LAUREL, LP
a California limited partnership
Owner

By _____
Richard Simis
Manager

RICHARD SIMIS
Permittee

By _____
Richard Simis

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

Passed by the Council of The City of San Diego on JUN 23 2020, 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 JUN 23 2020

(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:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313124