

RESOLUTION NUMBER R- **315263**

DATE OF FINAL PASSAGE **DEC 11 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING CONDITIONAL USE PERMIT
NO. 3182913 FOR THE LA MAESTRA HOUSING FOR HOPE
PROJECT – PRJ-1064927 LOCATED AT 4135 FAIRMOUNT
AVENUE.

WHEREAS, La Maestra Family Clinic Inc., a California non-profit corporation,
Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit to
demolish existing structures and construct a four-story, 14,945-square-foot multi-dwelling unit
affordable housing development that will include 20 transitional dwelling units, one onsite
manager dwelling unit, and associated site improvements known as the La Maestra Housing for
Hope project located at 4135 Fairmount Avenue, and legally described as the South 12.50 feet of
Lot 14 and all of Lot 15 in Block 56 of Fairmount addition to City Heights, in the City of San
Diego, County of San Diego, State of California, according to Map thereof No. 1035, filed in the
Office of the County Recorder of San Diego County March 8, 1907, in the Mid-City/City
Heights Community Plan area in the Central Urbanized Planned District (CUPD) CU-2-3 Zone,
Complete Communities Housing Solutions (FAR Tier 3), Complete Communities Mobility
Choices (Mobility Zone 2), Parking Standards Transit Priority Area, and Transit Area Overlay
Zone within the Mid-City/City Heights Community Plan (Community Plan) area; and

WHEREAS, the Planning Commission of the City of San Diego considered Conditional
Use Permit No. 3182913, and pursuant to Resolution No. 5263-PC voted 7-0-0 to recommend
approval of the Permit; and

WHEREAS, the matter was set for public hearing on December 11, 2023, 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, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council adopts the following findings with respect to Conditional Use Permit No. 3182913:

A. **CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0305**

1. **Findings for all Conditional Use Permits:**

a. **The proposed development will not adversely affect the applicable land use plan.** The project consists of demolishing 2,770 square-feet of existing structures and constructing a four-story, 14,945-square-foot multi-dwelling unit affordable housing development, which will include 20 transitional dwelling units, one onsite manager dwelling unit, and associated site improvements. The project will provide that 100 percent of the transitional dwelling units be affordable to low-income households at or below 60 percent of the area median income. The project will be managed by the La Maestra Family Clinic to provide transitional housing and support services for individuals suffering from substance use including the homeless.

The General Plan designates the project site as Multiple-Use. This designation is intended to provide housing in a mixed-use setting. The project's transitional housing use is consistent with the intent of the Multiple-Use designation. The General Plan also calls for the provision of a

variety of housing types and sizes with varying levels of affordability in order to further the City's goal of achieving balanced communities and equitable development (Policy LU-H.3). The 20 transitional units provided by the project will be deed-restricted for a period of 55 years for households at or below 60 percent of the area median income and increase the City's affordable housing supply. Additionally, the General Plan encourages transit-supportive density and design (Policy LU-A.7.b). The project will increase the number of homes available within two blocks of El Cajon Boulevard, which is a transit corridor served by multiple bus lines. The project is consistent with City-wide land use policies and furthers the implementation of the City of Villages Strategy.

The project is consistent with the Housing Element goals that facilitate the construction of quality housing (Goal 1) and provide new affordable housing (Goal 3). The Housing Element encourages programs aimed at housing vulnerable and special needs populations (Objective E) and promotes a diversity of housing available to all income groups across all communities (Objective I). The Housing Element also supports affordable housing developments and services for individuals that are homeless (Policy HE-E.2). The project's provision of transitional housing is a specific target that is consistent with the Housing Element. The additional homes will add to the City's housing stock and contribute towards addressing the City-wide affordable housing crises, which is consistent with the policies of the General Plan and the Housing Element.

The project is consistent with General Plan urban design policy (UD-A.6) to facilitate the development of a pedestrian-oriented environment. The project is consistent with the General Plan policy of providing building entries that are prominent, visible, and well-located (Policy UD-A.6.c). The street-facing frontage will consist of wood, stucco, and Low-E coated glass, and the building entry will be prominent and visible with illuminated building signage. Units on the first floor of the building will be served by a concrete path, and the frontage will be lined with landscaping including shrubs and trees. Parking will also be located along the rear, consistent with the General Plan policy of creating appealing streetscapes that enhance the pedestrian experience (Policy UD-A.6.e and UD-A.12.a). The project will provide a van accessible parking space (compliant with the Americans with Disabilities Act) with electrical vehicle charging station adjacent to the rear alley.

The City Heights/Mid-City Community Plan (Community Plan) designates the site as Commercial and Mixed Use, which allows up to 29 dwelling units per acre with a mixed-use bonus of up to 43 dwelling units per acre. The project is also within a Sustainable Development Area. The project utilizes the 100 percent density bonus regulations per SDMC Section 143.0720(i) (Affordable Housing Regulations) and is granted unlimited density, per SDMC Section 143.0720 (l)(7)(B).

The project use is consistent with the Community Plan goal of encouraging new housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets (p. 95). The Community Plan also encourages the placement of new subsidized housing, social services, and residential care facilities along transportation corridors (p. 95). The project will provide transitional dwelling units to support vulnerable and special needs populations. These transitional dwelling units are located two blocks from El Cajon Boulevard, which is a transit corridor served by multiple bus lines.

The project site is disturbed and located within an urban area. The project's surroundings are also developed with a variety of office, residential, and religious facility uses. The project will not encroach upon the natural resources identified in the Community Plan, which includes a canyon, hillside, and creek-side natural wildlife habitats (p. 58). The Community Plan seeks to improve air quality through the promotion of non-polluting forms of transportation and supports physical improvements to facilitate pedestrian access and bicycling (p. 59). The Community Plan recommends the prioritization of pedestrian movement along Fairmount Avenue and encourages the provision of wider sidewalks (p. 79). The project implements a wider sidewalk along its main frontage on Fairmount Avenue.

The Community Plan also identifies Fairmount Avenue as a two-lane one-way (northbound) major street with Class II bicycle lanes (p. 139 and p. 150). In response to this Community Plan policy, the project will provide a 4.5-foot dedication that will result in the development of a 12-foot minimum parkway (six-foot wide landscaping with six-foot wide sidewalk) along the project frontage. The project is also consistent with the Community Plan goal of locating this type of residential land use along a transportation corridor (p. 95). El Cajon Boulevard, located two blocks north from the project site, is a transit corridor served by multiple bus lines. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project site is developed and does not contain sensitive biological resources and is not within or adjacent to the City's Multiple Habitat Planning Area. Drainage for the project complies with the City's drainage regulations and standards. Staff has also reviewed and accepted a Waste Management Plan that determined that the project is not anticipated to exceed the threshold for solid waste generation. The project will provide improvements that comply with the Americans with Disabilities Act (ADA), including a van accessible parking space with electrical vehicle (EV) charging station adjacent to the rear alley with overhead gate to access the site, and ground floor security and front/in-take offices. The project will also install a nine-foot high steel security fence with anti-climb metal screen and lockable gate surrounding the structure.

The project permit also contains specific conditions of approval with the intent that the use be developed so as to fully protect the public health, safety and welfare (SDMC Section 126.0301). Permit requirements include requiring that the name and emergency contact of an operator or manager be posted outside the facility in a location visible to the public; requiring on-site supervision of the premises at all times, including having one staff member on the premises 24 hours per day; submitting a Description of Services and Property Management Plan to the satisfaction of the Development Services Department; dedicating a 4.5 feet of public right-of-way along Fairmount Avenue and constructing a 12-foot wide parkway; implementing a Water Pollution Control Plan; obtaining an Encroachment Maintenance and Removal Agreement for all private improvements within the public right-of-way; developing a City standard curb, gutter and sidewalk; maintenance of all landscape improvements; all proposed water and sewer facilities within the public right-of-way shall be complete and operational prior to certificate of occupancy; all public water lines serving the project must pass through a private backflow prevention device; and any damages caused to the City's public water and sewer facilities which

are due to the activities associated with this project shall be repaired or reconstructed. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The existing structures are more than 45 years old, requiring City staff to evaluate the proposal for historic significance. Staff determined that the property does not meet the local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria. None of the existing structures have been occupied within the past five years by persons and/or families of low income, very low income, or moderate income. In addition, none of the structures have contained rental dwelling units that are rent restricted by law or covenant to persons and/or families of low income, very low income, or moderate income. There are no existing tenants.

Per San Diego Municipal Code (SDMC) section 155.0238, Table 155-02C, Transitional Housing for seven or more persons is an allowable use within the CU-2-3 Zone with a conditional use permit, and shall comply with the requirements for Transitional Housing Facilities, per SDMC section 141.0313. The underlying CU-2-3 Zone authorizes a maximum density of one dwelling unit for each 1,000 square-foot of lot area (43 dwelling units per acre), per SDMC Table 155-02D. The site is approximately 4,527 square feet which allows a total of five dwelling units. The project is also located within a Sustainable Development Area. The project utilizes the 100 percent density bonus regulations per SDMC Section 143.0720(i) (Affordable Housing Regulations) and is granted unlimited density, per SDMC section 143.0720 (l)(7)(B).

The City's Affordable Housing Regulations (SDMC Section 143.0740(e)) allow a height increase of three stories or 33 feet above the base zone maximum height. The project will have a height of approximately 51.5 feet. The underlying CU-2-3 Zone allows a maximum of 50 feet. The project also includes a deviation from the maximum floor area ratio (FAR) (SDMC section 155.0242, Table 155-02D) to allow an FAR of 3.3 (from 1.0 maximum) to support a total of 14,945 square-feet of development on the site. Per SDMC section 143.0740(a)(1), the FAR deviation is allowed as a development incentive for developing a 100 percent affordable housing development exclusive of the one onsite manager dwelling unit.

The project will provide 20 transitional dwelling units and one onsite manager dwelling unit. The project provides that 100 percent of the transitional dwelling units be affordable to low-income households at or below 60 percent of the area median income. The Affordable Housing Regulations (SDMC Section 143.0720(a)) requires that the project enter into a written agreement with the San Diego Housing Commission and secured by a deed of trust which incorporates applicable affordability conditions consistent with the SDMC. The agreement will specify that the project shall provide 20 transitional dwelling units with rents/prices to low-income households at/below 60 percent of area median income for a period of 55 years. Therefore, the proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

d. The proposed use is appropriate at the proposed location. Per San Diego Municipal Code (SDMC) section 155.0238, Table 155-02C, Transitional Housing for seven or more persons is an allowable use within the CU-2-3 Zone with a conditional use permit, and shall comply with the requirements for Transitional Housing Facilities, per SDMC section 141.0313. The underlying CU-2-3 Zone authorizes a maximum density of one dwelling unit for each 1,000 square-feet of lot area (43 dwelling units per acre), per SDMC Table 155-02D. The site is approximately 4,527 square feet which allows a total of five dwelling units. The project is also located within a Sustainable Development Area. The project utilizes the 100 percent density bonus regulations per SDMC Section 143.0720(i) (Affordable Housing Regulations) and is granted unlimited density, per SDMC section 143.0720 (l)(7)(B).

The City's Affordable Housing Regulations (SDMC Section 143.0740(e)) allow a height increase of three stories or 33 feet above the base zone maximum height. The project will have a height of approximately 51.5 feet. The underlying CU-2-3 Zone allows a maximum of 50 feet. The project also includes a deviation from the maximum floor area ratio (FAR) (SDMC section 155.0242, Table 155-02D) to allow an FAR of 3.3 (from 1.0 maximum) to support a total of 14,945 square-feet of development on the site. Per SDMC section 143.0740(a)(1), the FAR deviation is allowed as a development incentive for developing a 100 percent affordable housing development exclusive of the one onsite manager dwelling unit.

The General Plan designates the project site as Multiple-Use. This designation is intended to provide housing in a mixed-use setting. The project's transitional housing use is consistent with the intent of the Multiple-Use designation. The General Plan also calls for the provision of a variety of housing types and sizes with varying levels of affordability in order to further the City's goal of achieving balanced communities and equitable development (Policy LU-H.3). The 20 transitional units provided by the project will be deed-restricted for a period of 55 years for households at or below 60 percent of the area median income and increase the City's affordable housing supply. Additionally, the General Plan encourages transit-supportive density and design (Policy LU-A.7.b). The project will increase the number of homes available within two blocks of El Cajon Boulevard, which is a transit corridor served by multiple bus lines. The project is consistent with City-wide land use policies and furthers the implementation of the City of Villages Strategy.

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UD-A.6.c). The street-facing frontage will consist of wood, stucco, and Low-E coated glass, and the building entry will be prominent and visible with illuminated building signage. Units on the first floor of the building will be served by a concrete path, and the frontage will be lined with landscaping including shrubs and trees. Parking will also be located along the rear, consistent with the General Plan policy of creating appealing streetscapes that enhance the pedestrian experience (Policy UD-A.6.e and UD-A.12.a). The project will provide a van accessible parking space (compliant with the Americans with Disabilities Act) with electrical vehicle charging station adjacent to the rear alley.

The City Heights/Mid-City Community Plan (Community Plan) designates the site as Commercial and Mixed Use, which allows up to 29 dwelling units per acre with a mixed-use bonus of up to 43 dwelling units per acre. The project is also within a Sustainable Development Area. The project utilizes the 100 percent density bonus regulations per SDMC Section 143.0720(i) (Affordable Housing Regulations) and is granted unlimited density, per SDMC Section 143.0720 (l)(7)(B).

The project use is consistent with the Community Plan goal of encouraging new housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets (p. 95). The Community Plan also encourages the placement of new subsidized housing, social services, and residential care facilities along transportation corridors (p. 95). The project will provide transitional dwelling units to support vulnerable and special needs populations. These transitional dwelling units are located two blocks from El Cajon Boulevard, which is a transit corridor served by multiple bus lines.

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The conditional use permit also contains specific conditions of approval with the intent that the use be developed so as to fully protect the public health, safety and welfare (SDMC Section 126.0301). Permit requirements include requiring that the name and emergency contact of an operator or manager be posted outside the facility in a location visible to the public;

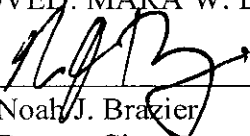
requiring on-site supervision of the premises at all times, including having one staff member on the premises 24 hours per day; submitting a Description of Services and Property Management Plan to the satisfaction of the Development Services Department; dedicating 4.5 feet of public right-of-way along Fairmount Avenue and constructing a 12 foot wide parkway; implementing a Water Pollution Control Plan; obtaining an Encroachment Maintenance and Removal Agreement for all private improvements within the public right-of-way; developing a City standard curb, gutter and sidewalk; maintenance of all landscape improvements; all proposed water and sewer facilities within the public right-of-way shall be complete and operational prior to certificate of occupancy; all public water lines serving the project must pass through a private backflow prevention device; and any damages caused to the City's public water and sewer facilities which are due to the activities associated with this project shall be repaired or reconstructed. Therefore, the proposed use is appropriate at the proposed location.

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 Conditional Use Permit No. 3182913 is granted to LA MAESTRA FAMILY CLINIC INC., 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



Noah J. Brazier
Deputy City Attorney

NJB:nja
11/16/2023
Or Dept: DSD
Doc. No. 3475528

Attachment: Conditional Use Permit No. 3182913

**RECORDING REQUESTED
BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL
STATION 501**

**WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501**

INTERNAL ORDER NUMBER: 24009358

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT NO. 3182913
PRJ-1064927: LA MAESTRA HOUSING FOR HOPE
CITY COUNCIL**

This Conditional Use Permit No. 3182913 is granted by the City Council of the City of San Diego to LA MAESTRA FAMILY CLINIC INC., a California Non-Profit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303. The 0.11-acre site is located at 4135 Fairmount Avenue in the Central Urbanized Planned District (CUPD) CU-2-3 Zone, Complete Communities Housing Solutions (FAR Tier 3), Complete Communities Mobility Choices (Mobility Zone 2), Parking Standards Transit Priority Area, and the Transit Area Overlay Zone within the Mid-City/City Heights Community Plan area. The project site is legally described as: the South 12.50 feet of Lot 14 and all of Lot 15 in Block 56 of Fairmount addition to City Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1035, filed in the Office of the County Recorder of San Diego County March 8, 1907.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing structures and construct a four-story, 14,945-square-foot multi-dwelling unit affordable housing development that will include 20 transitional dwelling units and one on-site manager dwelling unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 11, 2023, on file in the Office of the City Clerk's Office.

The project shall include:

- a. The demolition of existing structures and the construction of a four-story, 14,945-square-foot multi-dwelling unit affordable housing development, which will include 20 transitional dwelling units and one onsite manager dwelling unit. The project will provide that 100 percent of the transitional dwelling units be affordable to low-income households at or below 60 percent of the Area Median Income for a period of 55 years; and

- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 27, 2026.
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.

CLIMATE ACTION PLAN REQUIREMENTS:

11. 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:

12. Prior to issuance of any building permit 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 and Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13. 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 100% density bonus (16 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 20 affordable units with rents/prices to low-income households at/below 60% of Area Median Income (AMI) for a period of 55 years.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, 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 Best Management Practices (BMPs) Standards Chapter 4 of the City's Storm Water Standards.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA) from the City Engineer for all private improvements such as landscape/irrigation along the Fairmount Avenue public right-of-way.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the closure of the driveway for the development of a current City standard curb, gutter and sidewalk.

LANDSCAPE REQUIREMENTS:

16. 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 and Exhibit "A," on file in the Development Services Department.

17. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit to the Development Services Department for approval complete landscape construction documents for public right-of-way improvements. 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 to not prohibit the placement of street trees.

18. Prior to issuance of any construction permits, the Owner/Permittee shall submit to the Development Services Department for approval complete landscape and irrigation construction documents which are consistent with the City's Landscape Standards. 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 SDMC Section 142.0403(b)6.

19. 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."

20. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the public 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 landscaping 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.

21. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) as shown on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and in an 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:

22. The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the public right-of-way in character size at least two inches in height.

23. On-site supervision of the premises shall be provided at all times. At least one staff member shall be located on the premises 24 hours per day.

24. Prior to issuance of any construction permits, the applicant shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the Development Services Department. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include the information specified in SDMC Section 141.0313(j)(1) and (2).

25. 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.

TRANSPORTATION REQUIREMENTS:

26. The accessible automobile parking space must be constructed in accordance with the requirements of the SDMC. The on-site parking stall and loading area 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.

27. Prior to the issuance of any constructions permit, the Owner/Permittee shall dedicate 4.5 feet of public right-of-way along the project frontage on Fairmount Avenue and assure by permit and bond the construction of 12-foot-wide parkway (six-foot wide landscaping with six-foot wide sidewalk), satisfactory to the City Engineer.

WATER AND SEWER DEVELOPMENT REQUIREMENTS:

28. Prior to the issuance of a Certificate of Occupancy, all proposed water and sewer facilities within the public right-of-way and/or public easement (as detailed on the City approved Exhibit "A" or within the PUD approved Water and Sewer Studies) shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

29. Prior to the issuance of any Certificate of Occupancy, ALL PROPOSED PUBLIC WATER LINES SERVING THIS DEVELOPMENT (INCLUDING DOMESTIC, IRRIGATION, AND FIRE) MUST PASS THROUGH A PERMITTED, PRIVATE, ABOVE GROUND, BACKFLOW PREVENTION DEVICE (BFPD) which shall be located in-line with the water service lateral on private property, and adjacent to the property line (unless an alternate location has been approved by the City in writing).

30. Prior to the issuance of any Certificate of Occupancy, any damages caused to the City's public water and sewer facilities which are due to the activities associated with this project shall be repaired or reconstructed, in a manner satisfactory to the Public Utilities Director and the City Engineer in accordance with SDMC Section 142.0607.

31. Prior to the issuance of any Certificate of Occupancy, any private improvements which lie within a public right-of-way fronting the development or within a public easement within the development, which could (as determined by the Public Utilities Director or the City Engineer) inhibit the City's right to access, maintain, repair, or replace its public water or sewer facilities (e.g., any species of tree or shrub within ten feet of any public sewer facilities, or within five feet of any public water facilities whose height at maturity would naturally exceed three feet) must be removed unless the property's title includes a City of San Diego approved/County of San Diego recorded Encroachment and Maintenance Removal Agreement (EMRA) which authorizes that specific encroachment in that specific location.

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 Council of the City of San Diego on December 11, 2023, by San Diego Resolution No. ~~Y-~~ **315263**.

Conditional Use Permit No. 3182913
Date of Approval: December 11, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Xavier Del Valle
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.

**LA MAESTRA FAMILY CLINIC INC.,
Owner/Permittee**

By

Zara Marselian
President & Chief Operating Officer

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

Passed by the Council of The City of San Diego on DEC 11 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 11 2023.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **315263**