



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: September 17, 2020 REPORT NO. PC-20-057

HEARING DATE: September 24, 2020

SUBJECT: 915 GRAPE TM/CDP. Process Four

PROJECT NUMBER: [570078](#)

REFERENCE: [January 2015 CivicSD Board Meeting Staff Report](#)
[January 2015 CivicSD Board Meeting Approved Drawings](#)

OWNER/APPLICANT: Bayview SD, LLC / Ariel Miller

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map and Coastal Development Permit amendment to create 70 residential condominium units (under construction) on a 0.33-acre site located at 915 West Grape Street in the Downtown Community Plan (DCP) area ("Downtown")?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 2463721 (Amendment to Centre City Development Permit/Coastal Development Permit No. 2014-35).
2. APPROVE Tentative Map No. 2025201.

Community Planning Group Recommendation: On December 13, 2017, the Downtown Community Planning Council voted 16-0 to approve the project, without conditions (Attachment 8).

Other Recommendations: None.

Environmental Review: Development within the Downtown Community Planning area is covered under the following documents, all referred to as the "Downtown FEIR": Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-

04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR. Therefore, no further environmental documentation is required under CEQA.

Fiscal Impact Statement: None with this action. All costs associated with the processing of the project are paid from the deposit account maintained by the Applicant.

Housing Impact Statement: The subdivision has been conditioned to enter into an affordable housing agreement with the San Diego Housing Commission (SDHC) to provide six affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code (SDMC) Section [142.1301](#) et seq.).

BACKGROUND

The 0.33-acre project site is located at 915 West Grape Street (Attachment 1), on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-Use) zone, the Airport Approach Overlay Zone, the Coastal (Non-Appealable) Overlay Zone, the Parking Impact Overlay Zone (Coastal Impact), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Parking Standards Transit Priority Area, the Transit Priority Area, the County Administration Center Design Zone, and the Limited Vehicle Access Overlay Zone within the Downtown Community Plan area. Surrounding land uses include a vehicle service station and rental car facility to the north, a newly constructed residential building to the south, a proposed residential mixed-use development (currently under review) to the west, and the San Diego Metropolitan Transit System (MTS) railroad and trolley tracks to the east. The site is located within walking distance to several Downtown amenities including the County Administration Center and Waterfront Park a block west, the Maritime Museum and newly renovated Portside Pier two-to-three blocks southwest, and Little Italy's neighborhood center two blocks east.

On September 30, 2015, Centre City Development Permit/Coastal Development Permit (CCDP/CDP) No. 2014-35 (Attachment 6) was approved by Civic San Diego for the construction of an eight-story (85 foot tall) residential mixed-use project containing 70 dwelling units, including six affordable dwelling units, approximately 1,500 square feet (SF) of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking. Building

permits for the project were approved in February 2017, under Project No. 439580, and the project is under construction, with exterior finishes underway.

DISCUSSION

Project Description:

The Applicant is requesting a Tentative Map in accordance with SDMC Section 144.0220 to create 70 residential condominium units within the eight-story residential mixed-use building (under construction) (Figure 1) comprised of 70 residential dwelling units, including six affordable dwelling units, approximately 1,500 SF of ground-floor commercial space, and 79 parking spaces. The unit mix shown on the Tentative Map Exhibit (Attachment 7) conforms to the approved development permit exhibit and includes 17 studios, 40 one-bedroom, and 13 two-bedroom units. The subject subdivision action proposes to convert the residential dwelling units for home ownership opportunities and does not affect the previously approved building



Figure 1

permits. Six of the dwelling units will be dedicated for rent to low-income households between 30% and 80% of the Area Median Income (AMI) for no fewer than 55 years pursuant to previously approved development permit and the affordable housing agreement between the Applicant and the SDHC.

The CCPD-ER land use district (zone), as designated in the DCP and Centre City Planned District Ordinance (CCPDO) (SDMC Chapter 15, Article 6, Division 3), provides synergies between educational institutions and residential neighborhoods, or transition between the Core district and residential neighborhoods, and a variety of uses are permitted, including office, residential, hotel, research and development, educational and medical facilities. The proposed project complies with the policies, goals, and objectives of the applicable land use plan and underlying zones and no deviations are being requested.

A Tentative Map in accordance with Process Four is a Planning Commission decision with appeal rights to the City Council. In accordance with SDMC Section 125.0440, Findings for a Tentative Map, the decision maker may approve a Tentative Map if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the SDMC. The proposed subdivision of land within the Coastal Overlay Zone constitutes Coastal Development, which requires Coastal Development Permit in accordance with per SDMC Section 126.0702(a); therefore, a Coastal Development Permit amendment is also required for the project. In accordance with SDMC Section 126.0708, Findings for Coastal Development Permit Approval, the decision maker may approve a Coastal Development Permit if the decision maker makes all the findings in SDMC Section 126.0708(a) and the supplemental findings in SDMC Section 126.0708(b). Staff has reviewed the proposed subdivision and determined that it complies with the Subdivision Map Act, the

California Coastal Act, and the SDMC; therefore, the required findings for a Tentative Map and Coastal Development Permit can be made for the Project.

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the Project (attachments 3 and 5), a draft permit (Attachment 4), and draft map conditions (Attachment 6). Staff recommends the Planning Commission approve Tentative Map No. 2025201 and Coastal Development Amendment No. 2463721.

ALTERNATIVES

1. Approve Tentative Map No. 2025201 and Coastal Development Permit Amendment No. 2463721, with modifications.
2. Deny Tentative Map No. 2025201 and Coastal Development Permit Amendment No. 2463721, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Brad Richter
Deputy Director, Urban Division
Smart and Sustainable Communities



Nicole Paré
Program Manager, Urban Division
Smart and Sustainable Communities

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Resolution with Findings
4. Draft Permit with Conditions
5. Draft Map Resolution
6. Draft Map Conditions
7. Copy of Recorded CCDP/CDP No. 2014-35
8. Tentative Map Exhibit
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement



Aerial Photo

915 Grape Street Tentative Map
PROJECT NO. 570078

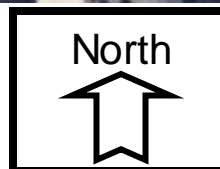
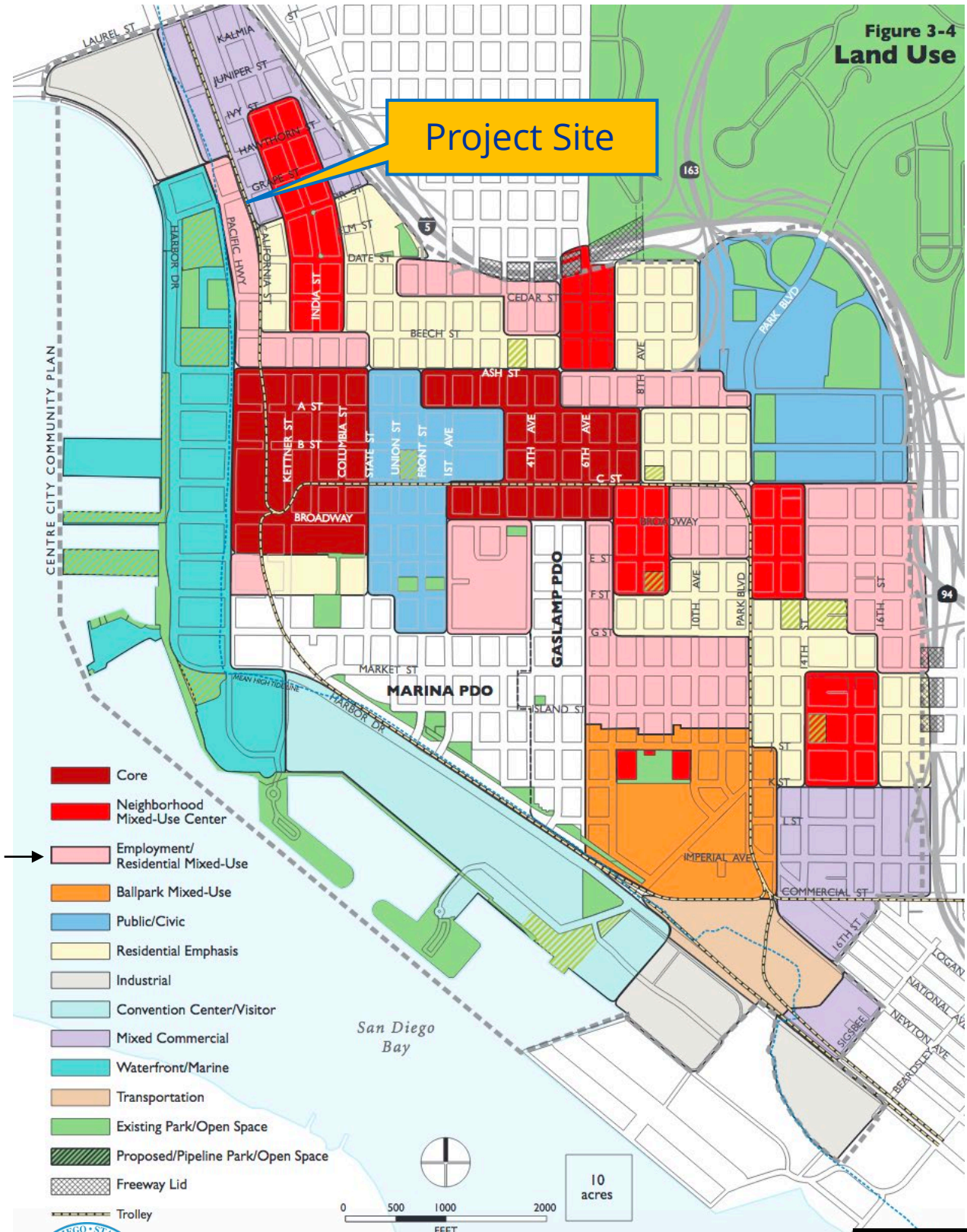
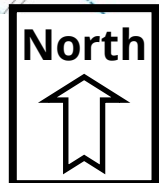


Figure 3-4
Land Use



Land Use Map

915 Grape Tentative Map
PROJECT NO. 570078



PLANNING COMMISSION
RESOLUTION NUMBER R-_____

COASTAL DEVELOPMENT PERMIT NO. 2463721
AMENDMENT TO CENTRE CITY DEVELOPMENT PERMIT/COASTAL DEVELOPMENT PERMIT NO. 2014-35
915 GRAPE TM/CDP PROJECT NO. 570078

WHEREAS, Bayview SD, LLC, a California limited liability company, Subdivider, and, Michael D. Schweitzer, SWS Engineering, Inc., Engineer, submitted an application to the City of San Diego for Tentative Map No. 2025201 and Coastal Development Permit Amendment No. 2463721 for the creation of 70 residential condominium units (under construction) within a 125,905-square-foot mixed use building. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone, the Airport Approach Overlay Zone, the Coastal (Non-Appealable) Overlay Zone, the Parking Impact Overlay Zone (Coastal Impact), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Parking Standards Transit Priority Area, the Transit Priority Area, the County Administration Center Design Zone, and the Limited Vehicle Access Overlay Zone within the Downtown Community Plan area. The property is legally described as: Right of Way Lots 28, 29, and 30 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson, on file in the Office of the County Clerk of San Diego County;

WHEREAS, the Tentative Map proposes the subdivision of a 0.33-acre-site into one (1) lot for a 70-unit residential condominium development;

WHEREAS, the subdivision of land within the Coastal Overlay Zone constitutes Coastal Development and requires a Coastal Development Permit pursuant to San Diego Municipal Code (SDMC) section 126.0702;

ATTACHMENT 3

WHEAREAS, Development within the Downtown Community Planning area is covered under the following documents, all referred to as the "Downtown FEIR": Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR. Therefore, no further environmental documentation is required under CEQA;

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and SDMC section 144.0220;

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 70; and,

WHEREAS, on September 24, 2020, the Planning Commission of the City of San Diego considered Coastal Development Permit Amendment No. 2463721, amendment to Centre City Development Permit/Coastal Development Permit No. 2014-35, and pursuant to SDMC section 126.0708 received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit Amendment No. 2463721:

COASTAL DEVELOPMENT PERMIT FINDINGS:

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan;**

The proposed subdivision includes a Tentative Map for the creation of 70 residential condominium units within a 125,905-square-foot mixed use building, currently under construction with previously approved development permits and ministerial building permits. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone, the Airport Approach Overlay Zone, the Coastal (Non-Appealable) Overlay Zone, the Parking Impact Overlay Zone (Coastal Impact), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Parking Standards Transit Priority Area, the Transit Priority Area, the County Administration Center Design Zone, and the Limited Vehicle Access Overlay Zone within the Downtown Community Plan area. The proposed development, currently under construction, does not encroach on any existing or proposed public accessway, maintains the required view corridors on Grape Street, and provides the required 15-foot setback from the property line at a height of 30 feet to preserve public views. The previously approved development permit and ministerial permits for the development included public improvements along Grape Street which will enhance public

access to the waterfront from the Little Italy neighborhood. Development of the site is underway pursuant to the previously approved development permits and ministerial permits and there are no physical changes or deviations being requested as part of the proposed subdivision action.

Therefore, the proposed subdivision will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands;

The proposed subdivision includes a Tentative Map for the creation of 70 residential condominium units within a 125,905-square-foot mixed use building, currently under construction with previously approved development permits and ministerial building permits. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone within the Downtown Community Plan area. The site is not located within, or adjacent to, any coastal bluff, beach, or special flood area. There are no watercourses, Environmentally Sensitive Lands (ESL), or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site; therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed subdivision includes a Tentative Map for the creation of 70 residential condominium units within a 125,905-square-foot mixed use building, currently under construction with previously approved development permits and ministerial building permits. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone, the Airport Approach Overlay Zone, the Coastal (Non-Appealable) Overlay Zone, the Parking Impact Overlay Zone (Coastal Impact), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Parking Standards Transit Priority Area, the Transit Priority Area, the County Administration Center Design Zone, and the Limited Vehicle Access Overlay Zone within the Downtown Community Plan area.

The proposed coastal development, a tentative map for the creation of 70 residential condominiums, is consistent with the Downtown Community Plan, the SDMC, and all other adopted plans and policies of the City pertaining to the Centre City Planned District which were certified by the California Coastal Commission.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

ATTACHMENT 3

The proposed coastal development is not located between the nearest public road and the sea or shoreline of any body of water within the Coastal Overlay zone.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Coastal Development Permit Amendment No. 2463721, is hereby granted to Bayview SD, LLC subject to the conditions as set forth in Coastal Development Permit Amendment No. 2463721 which are made a part of this resolution by this reference.

By _____
Nicole Paré
Program Manager
Urban Division

ATTACHMENTS: Coastal Development Permit Amendment No. 2463721

Internal Order No. 24007463

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: 24007463

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2463721
AMENDMENT TO CENTRE CITY DEVELOPMENT/COASTAL DEVELOPMENT PERMIT NO. 2014-35
915 GRAPE TM/CDP PROJECT NO. 570078
PLANNING COMMISSION

This Coastal Development Permit No. 2463721, Amendment to Centre City Development/Coastal Development Permit No. 2014-35, is granted by the Planning Commission of the City of San Diego to Bayview SD, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0702. The 0.33-acre site located at 915 Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone, Airport Approach Overlay Zone, Coastal (Non-Appealable) Overlay Zone, Parking Impact Overlay Zone (Coastal Impact), Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, Parking Standards Transit Priority Area, Transit Priority Area, County Administration Center Design Zone, and Limited Vehicle Access Overlay Zone, within the Little Italy neighborhood of the Downtown Community Plan (DCP) area ("Downtown"). The project site is legally described as: Right of Way Lots 28, 29, and 30 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson, on file in the Office of the County Clerk of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate a development and uses as described and identified by size, dimension, quantity, type, and location as follows and on the approved exhibits [Exhibit "A"] dated September 24, 2020, on file in the Development Services Department.

1. General

The Owner/Permittee shall construct, or cause to be constructed on the premises, a mixed-use development consisting of an eight-story (not to exceed 85 feet tall) structure containing 70 DU, approximately 1,500 SF of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking. The total Floor Area Ratio (FAR)

of the development for all uses above ground shall not exceed a 4.0 base maximum plus Affordable Housing FAR Bonus of up to 1.4 for a maximum of up to 5.4 (including all FAR Bonuses). The development shall not exceed a height of 85 feet above the average of the highest and lowest grades of the site measured to the top of the parapet of the highest habitable floor, with roof equipment enclosures, elevator penthouses, mechanical screening and architectural elements above this height allowed per the Centre City Planned District Ordinance (CCPDO), SDMC Chapter 15, Article 6, Division 3.

The project shall include the subdivision of a 0.33-acre site into one (1) lot for 70 residential condominium units, consistent with Tentative Map No. 2025201, and 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.

2. Parking

The development includes 79 automobile parking spaces. A minimum of 66 spaces shall be dedicated to the development's residential component, two spaces shall be dedicated to visitors and guests of the residents, and eight spaces shall be dedicated to the commercial uses; all shall be designed to meet City standards. If any additional parking spaces are designed with dimensions less than the City standards, future buyers (if converted to condominium) and/or tenants shall be informed of the dimensional size of their parking spaces prior to the sale or lease. In addition, a minimum of four motorcycle parking spaces and secured long term storage space for a minimum of 14 bicycles shall be provided. Any subterranean parking facilities encroaching into the Public Right-Of-Way (PROW) shall be located a minimum of six feet back from the face of curb to a depth of eight feet below sidewalk grade, measured to the outside of any shoring. An Encroachment Maintenance Agreement (EMA) shall be obtained from the City to allow any encroachment of a subterranean garage into the PROW.

3. Exceptions

- a. Street Wall Frontage [CCPDO section 156.0310(d)(l)(B)(v): patios and balconies in front of habitable space may qualify as street wall through the CCDP review process. Second floor private balconies along Grape Street have been approved as an exception to the Street Wall Frontage.
- b. Below Grade Parking [CCPDO section 156.0313(f)(5): At least three levels of below- grade parking shall be provided prior to the provision of any above-grade parking, except only two levels of below-grade parking are required for developments in which all above- grade parking is encapsulated with habitable area along all street frontages. All at-grade parking is fully encapsulated from Grape Street.

- c. Limited Vehicle Access [CCPDO section 156.0313(1)(4)]: no curb cuts are permitted on the streets designated as "Limited Vehicle Access" unless driveway access is not feasible on adjacent streets due to lot size, lot configuration, or other significant factors. What is known as "California Street" is not a PROW and therefore vehicle access can only be provided from Grape Street.

4. FAR Bonus

Prior to issuance of any building permit associated with this proposed development, Owner/Permittee shall demonstrate compliance with the Affordable Housing FAR Bonus provisions of CCPDO section 156.0309(e)(l) to the satisfaction of the San Diego Housing Commission (SDHC) and the City. Owner/Permittee shall enter into a written agreement with the SDHC ("Agreement") - drafted and approved by the SDHC, executed by the Owner/Permittee, and secured by a Deed Of Trust - that incorporates applicable affordability conditions consistent with the CCPDO; specifically including that, in exchange for the City's approval of this Permit, which contains up to a 35% FAR bonus, alone or in conjunction with any incentives or concessions granted as part of Permit approval, the Owner/Permittee shall provide six units with rents of no more than 30% of 80% of Area Median Income (AMI) for rental units, so as to be considered affordable to low income households as defined in CCPDO section 156.0309(e)(l)(iv), for no fewer than 55 years for rental units. Owner/Permittee shall record the Agreement and the Deed Of Trust in favor of the SDHC with the Office of the San Diego County Recorder.

5. Inclusionary Housing Fee Exemption

Prior to issuance of any Building Permit associated with this development, Owner/Permittee shall also demonstrate compliance with the Inclusionary Affordable Housing Regulations provisions of Land Development Code (LDC) section 142.1303 to the satisfaction of the SDHC and the City. The Agreement referenced in the preceding paragraph shall also incorporate the applicable affordability conditions consistent with the LDC and the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual; specifically including that, in exchange for an exemption from the requirement to pay an Inclusionary Affordable Housing Fee and as consideration for the receipt of incentives or concessions pursuant to LDC section 142.1303(f), which require the Owner/Permittee to enter into a contract to restrict rents, the Owner/Permittee shall provide six units with rents of 30% of 65% of AMI, so as to be considered affordable to targeted rental households for no fewer than 55 years.

PLANNING AND DESIGN REQUIREMENTS

6. Airport Land Use Compatibility Plan (ALUCP)

This development has been determined to be conditionally consistent with the ALUCP by the San Diego County Airport Land Use Commission (ALUC). As a condition of approval, the

residences must be sound attenuated to 45 dB CNEL interior noise level and an Aviation Easement must be recorded with the Office of the San Diego County Recorder prior to issuance of any Building Permit associated with this development.

7. Residential Amenities and Facilities

The development includes the following residential amenities and facilities as illustrated on the approved Basic Concept/Schematic Drawings dated April 29, 2015, included in Exhibit "A" on file in the Development Services Department, which shall be required to be maintained within the development in perpetuity:

- a. Pet Open Space: A minimum of 100 SF of contiguous area for use by pets and clearly marked for such exclusive use shall be provided. The pet open space must contain permeable surface of gravel, sand, grass or similar, or a concrete surface connected to a drain in proximity to an outside faucet for washing down the surface. The development shall be responsible for daily cleaning and regular maintenance of this space. This open space shall be located within the interior of the development and shall not be located adjacent to PROW areas.
- b. Common Outdoor Open Space: A minimum of 2,167 SF of common outdoor open space shall be provided. The dimensions of the common outdoor open space must be a minimum of 30 feet when enclosed on one or two sides and 40 feet when enclosed on three or more sides. The dimensions of the common outdoor open space must not be reduced for the life of the development. A minimum of ten percent of each common outdoor open space area must be planted area and each area must be accessible to all residents of the development through a common corridor or other access from within the development.
- c. Common Indoor Space: A minimum of 500 SF of common indoor space shall be provided. The space(s) shall be maintained for use by residents of the development and must be accessible through a common corridor. The area may contain active or passive recreational facilities, meeting space, computer terminals, or other activity space.

8. Urban Design Standards

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

- a. Architectural Standards: The architecture of the development shall establish a high quality of design and complement the design and character of the Little Italy neighborhood as shown in the approved Basic Concept/Schematic Drawings on file with Development Services

Department. The development shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.

- b. Form and Scale: The development shall consist of a mixed-use development of eight stories (not to exceed 85 feet tall) measured to the top of the roofline, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the CCPDO and the Federal Aviation Administration (FAA). All building elements shall be complementary in form, scale, and architectural style.
- c. Building Material: All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high-quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within one inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any plaster materials shall consist of a hard troweled, or equivalent, smooth finish. Any stone materials shall employ larger modules and full-comer profiles to create a substantial and non-veneer appearance. Any graffiti coatings shall be extended the full height of the upgraded base materials or up to a natural design break such a cornice line. All downspouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the architectural design. Reflectivity of the glass shall be the minimum reflectivity required by Title 24 of the California Code of Regulations ("Title 24"). All construction details shall be of the highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the PROW. No substitutions of materials or colors shall be permitted without the prior written consent of the City. A final materials board which illustrates the location, color, quality, and texture of proposed exterior materials shall be submitted with 100% Construction Drawings and shall be consistent with the materials board approved with the Basic Concept/Schematic Drawings.
- d. Street Level Design: Street Level Design: Street level windows shall be clear glass and may be lightly tinted. Architectural features such as awnings and other design features which add human scale to the streetscape are encouraged where they are consistent with the design theme of the structure. Exit corridors including garage entrances shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet, or the garage door, whichever is deeper. All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and surfaces shall be logically composed and placed to minimize their visibility, while meeting code requirements. All soffit materials shall be high quality and consistent with adjacent elevation materials and incorporate drip edges and other details to minimize staining and ensure long-term durability.

- e. Utilitarian Areas: Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the PROW and adjoining developments, except for utilities required to be exposed by the City or utility company. The development shall provide trash and recyclable material storage areas per LDC 142.0810, 142.0820, and 142.0830. Such areas shall be provided within an enclosed building/garage area and shall be kept clean and orderly at all times. The development shall implement a recycling program to provide for the separation of recyclable materials from the non-recyclable trash materials.
- f. Mail and Delivery Locations: It is the Owner's and Permittee's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal and loading use. The Owner/Permittee shall locate all mailboxes and parcel lockers outside of the PROW, either within the building or recessed into a building wall. A single, centralized interior mail area in a common lobby area is encouraged for all residential units within a development, including associated townhouses with individual street entrances. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall, which may be shared with residential uses sharing a common street frontage address.
- g. Access: Vehicular access to the development's parking shall be limited to one driveway on Grape Street with a curb cut not to exceed 24 feet in width.
- h. Circulation and Parking: The Owner/Permittee shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, trees, and street lights. Such plan shall be submitted in conjunction with 100% Construction Drawings.

All subterranean parking shall meet the requirements of the Building Department, Fire Department and City Engineer. All parking shall be mechanically ventilated. The exhaust system for mechanically ventilated structures shall be located to mitigate noise and exhaust impacts on residential units, adjoining properties, and the PROW.
- i. Open Space and Development Amenities: A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups to the satisfaction of the City and consistent with the performance standards in the CCPDO, shall be submitted with 100% Construction Drawings.
- j. Roof Tops: A rooftop equipment and appurtenance location and screening plan and consistent with the performance standards in the CCPDO shall be prepared and submitted to the satisfaction of the City with construction drawings. Any roof-top mechanical equipment shall be grouped, enclosed, and screened from surrounding views (including views from above); except where exempted by this Permit.

- k. Signage: All signs shall comply with the City Sign Regulations and the CCPDO.
 - l. Lighting: A lighting plan which highlights the architectural qualities of the proposed development and also enhances the lighting of the PROW shall be submitted with 100% Construction Drawings. All lighting shall be designed to avoid illumination of adjoining properties.
 - m. Noise Control: All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City Noise Ordinance and California Noise Insulation Standards as set forth in Title 24. All mechanical equipment shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential. Owner/Permittee shall provide evidence of compliance at 100% Construction Drawings.
 - n. Energy Considerations: The design of the improvements shall include, where feasible, energy conservation construction techniques and design, including cogeneration facilities, and active and passive solar energy design. The Owner/Permittee shall demonstrate consideration of such energy features during the review of the 100% Construction Drawings.
 - o. Street Address: Building address numbers shall be provided that are visible and legible from the PROW.
9. On-Site Improvements

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

PUBLIC IMPROVEMENTS, LANDSCAPING, AND UTILITY REQUIREMENTS

10. Off-Site Improvements

The following public improvements shall be installed in accordance with the CCSM. The CCSM is currently being updated and the Owner/Permittee shall install the appropriate improvements according to the latest requirements at the time of Right-Of-Way Permit issuance:

	Grape Street
Street Trees	Alternating Jacaranda and Mexican Fan Palm
Tree Grates	Little Italy
Sidewalk Paving	Little Italy
Street Lights	Gateway (Dark Green)
Little Container	Little Italy

- a. Street Trees: Street tree selections shall be made according to the CCSM. All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCSM and/or as specifically approved on the Basic Concept / Schematic Drawings and by this Permit, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 25 feet on center. All landscaping shall be irrigated with private water services from the subject development. The Owner/Permittee will be responsible for evaluating, with consultation with the City, whether any existing trees within the PROW shall be maintained and preserved. No trees shall be removed prior to obtaining a Tree Removal Permit from the Development Services Department per City Council Policy 200-05.
- b. Street Lights: All existing lights shall be evaluated to determine if they meet current City requirements and shall be modified or replaced if necessary.
- c. Sidewalk Paving: Sidewalk, curb, and gutter shall be installed as identified in the CCSM. Any specialized paving materials shall be approved through the execution of an Encroachment Maintenance and Removal Agreement (EMRA) with the City.
- d. Litter Containers: The development shall provide a minimum of one litter receptacle and shall be located as specified in the CCSM.
- e. Landscaping: All required landscaping shall be maintained in a disease, weed, and litter free condition at all times. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of the City within 30 days of damage or Certificate of Occupancy.
- f. Planters: Planters shall be permitted to encroach into the PROW a maximum of two feet for sidewalk areas measuring at least twelve feet and less than 14 feet in width. For sidewalk areas 14 feet or wider, the maximum permitted planter encroachment shall be three feet. The planter encroachment shall be measured from the property line to the face of the curb to the wall surrounding the planter. A minimum six-foot clear path shall be maintained between the face of the planter and the edge of any tree grate or other obstruction in the PROW.
- g. On-Street Parking: The Owner/Permittee shall maximize the on-street parking wherever feasible.
- h. Public Utilities: The Owner/Permittee shall be responsible for the connection of an on-site sewer, water and storm drain systems from the development to the City Utilities located in the PROW. Sewer, water, and roof drain laterals shall be connected to the appropriate

utility mains within the street and beneath the sidewalk. The Owner/Permittee may use existing laterals if acceptable to the City, and if not, Owner/Permittee shall cut and plug existing laterals at such places and in the manner required by the City, and install new laterals. Private sewer laterals require an EMRA.

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

Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check. If and when the Owner/Permittee submits for a tentative map or tentative map waiver, the Water Department will require Covenants, Conditions, and Restrictions ("CC&Rs") to address the operation and maintenance of the private on-site water system serving the development. No structures or landscaping of any kind shall be installed within ten feet of water facilities.

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

- i. Franchise Public Utilities: The Owner/Permittee shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the development and all extensions of those utilities in public streets. Existing franchise utilities located above grade serving the property and in the sidewalk PROW shall be removed and incorporated into the adjoining development where feasible. All franchise utilities shall be installed as identified in the approved Basic Concept Drawings. Any above grade devices shall be screened from view from the PROW.
- j. Fire Hydrants: If required, the Owner/Permittee shall install fire hydrants at locations satisfactory to the City's Fire Department and the Development Services Department.

- k. Water Meters and Backflow Preventers: The Owner/Permittee shall locate all water meters and backflow preventers in locations satisfactory to the Public Utilities Department and the City. Backflow preventers shall be located outside of the PROW adjacent to the development's water meters, either within the building, a recessed alcove area, or within a plaza or landscaping area. The devices shall be screened from view from the PROW. All items of improvement shall be performed in accordance with the technical specifications, standards, and practices of the City's Engineering, Public Utilities, and Building Inspection Departments and shall be subject to their review and approval. Improvements shall meet the requirements of Title 24.

11. Storm Water Compliance

- a. Prior to issuance of any Construction Permit, the Owner/Permittee shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
- b. Prior to the issuance of any Construction Permit, the Owner/Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division I (Grading Regulations) of the LDC, into the construction plans or specifications.
- c. Prior to 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 Appendix E of the City's Storm Water Standards.
- d. Prior to the issuance of any Construction Permit, the Water Quality Technical Report (WQTR) will be subject to final review and approval by the City Engineer.

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

- a. The Owner/Permittee shall (at its own cost and expense) remove and/or otherwise remedy as provided by law and implementing rules and regulations, and as required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the Site. Such work may include without limitation the following:
 - i. Remove (and dispose of) and/or treat any contaminated soil and/or water on the site (and encountered during installation of improvements in the adjacent PROW which the Owner/Permittee is to install) as necessary to comply with applicable governmental standards and requirements.
 - ii. Design construct all improvements on the site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor or other forms, and/or from the direct and indirect effects thereof.

- iii. Prepare a site safety plan and submit it to the appropriate governmental agency, the City, and other authorities for approval in connection with obtaining a Building Permit for the construction of improvements on the site. Such site safety plan shall assure workers and other visitors to the site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.
- iv. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.
- v. If required due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval by the appropriate governmental authorities.

13. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP)

As required by CCPDO section 156.0304(h), the development shall comply with all applicable MMRP measures from the 2006 Final Environmental Impact Report (FEIR) for the DCP as applicable:

- a. Air Quality-Mitigation Measure AQ-B.1-1
- b. Land Use-Mitigation Measure LU-B.4-1
- c. Noise-Mitigation Measures NOI-B.1-1
- d. Noise - Mitigation Measures NOI-C.1-1
- e. Paleontological Resources - Mitigation Measure PAL-A. I-I

14. Climate Action Plan

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, including:

- a. Cool/Green Roofs: Roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under California Green Building Standards Code (CAL Green); and, roof construction with a thermal mass over the roof membrane,

- including areas of vegetated green roofs, weighing at least 25 pounds per SF as specified in the voluntary measures under CAL Green.
- b. Plumbing Fixtures & Fittings: Kitchen faucets with a maximum flow rate not to exceed 1.5 gallons per minute at 60 PSI; alternative non-potable water sources for indoor potable water reduction installed per A4.303.2 of CAL Green and California Plumbing Code; and a demand hot water recirculation system per A4.303.5 of CAL Green.
 - c. Energy Performance Standard: Indoor lighting and mechanical systems with 90% of the Title 24 Energy Budget or 10% reduction from the Standard Design Building.

15. Historical Resource Review

A Historical Resource Review and determination has been completed as part of this Permit for existing structures on this premises that are 45 years old or older. Such determinations are valid for up to five years from the date of determination. The Owner/Applicant is responsible for submitting for Potential Historical Resource Review if the previous determination has expired prior to Construction Permit issuance.

16. Development Impact Fees

The development will be subject to Centre City Development Impact Fees. For developments containing commercial space(s) the Owner/Permittee shall provide to the City's Facilities Financing Department the following information at the time of application for Building Permit plan check: 1) total square footage for commercial lease spaces and all areas within the building dedicated to support those commercial spaces including, but not limited to: loading areas, service areas and corridors, utility rooms, and commercial parking areas; and 2) applicable floor plans showing those areas outlined for verification. In addition, it shall be responsibility of the Owner/Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed.

17. Inclusionary Affordable Housing Ordinance

As required by LDC Chapter 14, Article 2, Division 13, developments containing residential uses shall comply with all applicable regulations of the City's Inclusionary Housing Ordinance. The Owner/Permittee shall provide to the City the following information at the time of application for Building Permit plan check: 1) total gross floor area of all residential DU; and 2) applicable floor plans showing those areas outlined for verification.

18. Construction Fence

Owner and/ Permittee shall install a construction fence pursuant to specifications of, and a permit from, the City Engineer. The fence shall be solid plywood with wood framing, painted a consistent color with the development's design, and shall contain a pedestrian passageway,

signs, and lighting as required by the City Engineer. The fencing shall be maintained in good condition and free of graffiti at all times.

19. Development Identification Signs

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

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

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

20. Tentative Map

This Permit shall comply with all conditions of Tentative Map Waiver No. 2025201.

STANDARD REQUIREMENTS

21. 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 October 8, 2023.
22. 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.

23. 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.
24. 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.
25. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
26. 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.).
27. 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.
28. 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.
29. 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.

30. 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.

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 Planning Commission of the City of San Diego on September 24, 2020 and Resolution No. _____.

Permit Type/PTS Approval No: CDP/CCDP Amendment No. 2463721
Date of Approval: September 24, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO URBAN DIVISION

Nicole Pare
Program Manager
Urban Division

**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.

Bayview SD, LLC
Owner/Permittee

By _____
Ariel Miller
Partner

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

PLANNING COMMISSION
RESOLUTION NUMBER R-_____

TENTATIVE MAP NO. 2025201
915 GRAPE TM/CDP PROJECT NO. 570078

WHEREAS, Bayview SD, LLC, a California limited liability company, Subdivider, and, Michael D. Schweitzer, SWS Engineering, Inc., Engineer, submitted an application to the City of San Diego for Tentative Map No. 2025201 and Coastal Development Permit Amendment No. 2463721 for the creation of 70 residential condominium units (under construction) within a 125,905-square-foot mixed use building. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone, the Airport Approach Overlay Zone, the Coastal (Non-Appealable) Overlay Zone, the Parking Impact Overlay Zone (Coastal Impact), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Parking Standards Transit Priority Area, the Transit Priority Area, the County Administration Center Design Zone, and the Limited Vehicle Access Overlay Zone within the Downtown Community Plan area. The property is legally described as: Right of Way Lots 28, 29, and 30 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson, on file in the Office of the County Clerk of San Diego County;

WHEREAS, the Tentative Map proposes the subdivision of a 0.33-acre-site into one (1) lot for a 70-unit residential condominium development;

WHEREAS, Development within the Downtown Community Planning area is covered under the following documents, all referred to as the "Downtown FEIR": Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment

ATTACHMENT 5

Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR. Therefore, no further environmental documentation is required under CEQA;

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and SDMC section 144.0220;

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 70; and,

WHEREAS, on September 24, 2020, the Planning Commission of the City of San Diego considered Tentative Map No. 2025201, and pursuant to SDMC Section 125.0440 and Subdivision Map Act section 66428 received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 2025201:

TENTATIVE MAP FINDINGS:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project proposes the creation of 70 residential condominium units within a 125,905-square-foot mixed use building. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone, the Airport Approach Overlay Zone, the Coastal (Non-Appealable) Overlay Zone, the Parking Impact Overlay Zone (Coastal Impact), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Parking Standards Transit Priority Area, the Transit Priority Area, the County Administration Center Design Zone, and the Limited Vehicle Access Overlay Zone within the Downtown Community Plan area. On September 30, 2015, Centre City Development Permit/Coastal Development Permit (CCDP/CDP) No. 2014-35 was approved by Civic San Diego for the construction of an eight-story (85 foot tall) residential mixed-use project containing 70 dwelling units, including six affordable dwelling units, approximately 1,500 square feet (SF) of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking.

The CCPD-ER zone provides synergies between educational institutions and residential neighborhoods, or transition between the Core district and residential neighborhoods, and a variety of uses are permitted, including office, residential, hotel, research and development, educational and medical facilities. The proposed development is consistent with the Downtown Community Plan, Centre City Planned District Ordinance, SDMC, and all other adopted plans and policies of the City for the Centre City Planned District. The subdivision of land into 70 residential condominium units for the development complies with the policies, goals and objectives of the applicable land use plan and underlying zone.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The proposed subdivision is consistent with the development regulations of the underlying zone and complies with setbacks, floor area ratio and landscaping and no deviations to the Land Development Code are requested with this action. The structures under construction were previously approved under a ministerial building permit and found to be in conformance with the approved CCDP/CDP No. 2014-35 and the SDMC.

3. The site is physically suitable for the type and density of development.

The project proposes the creation of 70 residential condominium units within a 125,905-square-foot mixed use building. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone within the Downtown Community Plan area. On September 30, 2015, CCDP/CDP No. 2014-35 was approved by Civic San Diego for the construction of an eight-story (85 foot tall) residential mixed-use project containing 70 dwelling units, including six affordable dwelling units, approximately 1,500 square feet (SF) of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking.

The proposed site is sloped from the top of the intersection of Grape and California streets down to the southwest corner of the premises, where two adjacent parcels share a common property line with the project site. The development is being constructed in compliance with all geologic and engineering requirements including applicable building code requirements. Utility services would be provided through existing utility infrastructure in the surrounding area. The structures under construction were previously approved under a ministerial building permit and found to be in conformance with the approved entitlements as referenced above in regards to density.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project proposes the creation of 70 residential condominium units within a 125,905-square-foot mixed use building. The 0.33-acre project site is located at 915 West Grape Street, on the south side of Grape Street between California Street and Pacific Highway, in the CCPD-ER (Centre City Planned District Employment/Residential Mixed-use) zone within the Downtown Community Plan Area. The site is within an existing, developed, in-fill area and does not contain nor is adjacent to any fish or wildlife habitats, environmentally sensitive lands or Multiple Habitat Planning Area lands.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

The project has been reviewed and is in compliance with the SDMC and the Subdivision Map Act. The Tentative Map includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable fees in order to achieve compliance with the regulations of the SDMC. On September 30, 2015, CCDP/CDP No. 2014-35 was approved by Civic San Diego for the construction of an eight-story (85 foot tall) residential mixed-use project containing 70 dwelling units, including six affordable dwelling units, approximately 1,500 square feet (SF) of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking. Currently, the site is under construction under a

ministerial building permit and found to be in conformance with the approved entitlements as referenced above. The proposed subdivision is consistent with all Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements continue to govern this project. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public, health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Other than the subdivision to allow condominiums ownership, no other changes are requested and the project does not include additional development of the property. Existing public easements for public-rights of way, drainage and utility purposes will remain and the associate improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The project proposes the creation of 70 residential condominiums (under construction) within a 125,905-square-foot mixed use building and will not impede or inhibit any future passive or natural heating and cooling opportunities. On September 30, 2015, CCDP/CDP No. 2014-35 was approved by Civic San Diego for the construction of an eight-story (85 foot tall) residential mixed-use project containing 70 dwelling units, including six affordable dwelling units, approximately 1,500 square feet (SF) of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking. The design of the subdivision has taken into account the best use of the land to minimize grading. Conditions of the above referenced development permit have been adopted and the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

Other than the subdivision to allow condominiums ownership, no other changes are requested and the project does not include additional development of the property. The subdivision has been conditioned to comply with the City-wide Affordable Housing Regulations and is providing six (6) affordable units on site. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed subdivision will not adversely impact the housing needs of the Downtown Community Plan area.

ATTACHMENT 5

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 2025201 is hereby granted to Bayview SD, LLC subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Nicole Paré
Program Manager, Urban Division

ATTACHMENTS: Tentative Map Conditions

Internal Order No. 24007463

DRAFT

PLANNING COMMISSION
TENTATIVE MAP NO. 2025201- **915 GRAPE TM PROJECT NO. 570078**

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire on October 8, 2023.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office along with the associated \$34.00 compliance fee to avoid delaying the recordation of the Final Map.
5. The Tentative Map shall conform to the provisions of Coastal Development Permit Amendment No. 2463721.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

7. Prior to recordation of the Final Map, the Subdivider shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 143.0301 et seq.).

ENGINEERING

8. The Subdivider shall remove existing wood pool adjacent to proposed driveway on Grape Street and underground the associated services satisfactory to the City Engineer.
9. The Subdivider shall complete the construction of the required Public Improvements per approved Right-of-Way Permit No. 2166760 including street light, new curb/gutter, sidewalk, driveway and curb ramp.
10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
12. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

13. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
15. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
16. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate

System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24007463

190
10



Oct 21, 2015 10:21 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$69.00

RECORDING REQUESTED BY:

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

PAGES: 19

AND WHEN RECORDED MAIL TO:

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

THIS SPACE FOR RECORDER'S USE ONLY

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

**CENTRE CITY PLANNED DISTRICT
CENTRE CITY DEVELOPMENT PERMIT
COASTAL DEVELOPMENT PERMIT
NO. 2014-35**

**915 GRAPE
ASSESSOR PARCEL NUMBERS
533-213-00-00 THROUGH 533-213-04-00, and 533-213-19-00**

915 GRAPE
CCDP/CDP No. 2014-35

**CENTRE CITY PLANNED DISTRICT
CENTRE CITY DEVELOPMENT PERMIT
COASTAL DEVELOPMENT PERMIT
NO. 2014-35**

**915 GRAPE
ASSESSOR PARCEL NUMBERS
533-213-00-00 THROUGH 533-213-04-00, and 533-213-19-00**

This Centre City Development Permit / Coastal Development Permit (CCDP/CDP) No. 2014-35 is granted by Civic San Diego ("CivicSD") to Bay View SD, LLC, Owner/Permittee, to allow the construction of an eight-story mixed-use development comprised of 70 residential dwelling units (DU) including indoor and outdoor amenity space, approximately 1,500 square feet (SF) of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking on a 14,498 SF premises at 915-919 Grape Street in the Little Italy neighborhood within the Centre City Planned District (CCPD) of the Downtown Community Plan (DCP) area in the City of San Diego ("City"); more particularly more particularly described as Right Of Way Lots 28, 29, and 30 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson, on file in the Office of the County Clerk of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate a development and uses as described and identified by size, dimension, quantity, type, and location as follows and on the approved Basic Concept / Schematic Drawings and associated Color and Materials Boards dated April 29, 2015, on file at CivicSD.

1. General

The Owner/Permittee shall construct, or cause to be constructed on the premises, a mixed-use development consisting of a eight-story (not to exceed 85 feet tall) structure containing 70 DU, approximately 1,500 SF of ground floor commercial space, and 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking. The total Floor Area Ratio (FAR) of the development for all uses above ground shall not exceed a 4.0 base maximum plus Affordable Housing FAR Bonus of up to 1.4 for a maximum of up to 5.4 (including all FAR Bonuses). The development shall not exceed a height of 85 feet above the average of the highest and lowest grades of the site measured to the top of the parapet of the highest habitable floor, with roof equipment enclosures, elevator penthouses, mechanical screening and architectural elements above this height allowed per the CCPDO.

2. Parking

The development includes 79 automobile parking spaces. A minimum of 66 spaces shall be dedicated to the development's residential component, two spaces shall be dedicated to visitors and guests of the residents, and eight spaces shall be dedicated to the commercial uses; all shall be designed to meet City standards. If any additional parking spaces are

915 GRAPE
CCDP/CDP No. 2014-35

designed with dimensions less than the City standards, future buyers (if converted to condominium) and/or tenants shall be informed of the dimensional size of their parking spaces prior to the sale or lease. In addition, a minimum of four motorcycle parking spaces and secured long term storage space for a minimum of 14 bicycles shall be provided. Any subterranean parking facilities encroaching into the Public Right-Of-Way (PROW) shall be located a minimum of six feet back from the face of curb to a depth of eight feet below sidewalk grade, measured to the outside of any shoring. An Encroachment Maintenance Agreement (EMA) shall be obtained from the City to allow any encroachment of a subterranean garage into the PROW.

3. Exceptions

- a. Street Wall Frontage [CCPDO section 156.0310(d)(1)(B)(v)]: patios and balconies in front of habitable space may qualify as street wall through the CCDP review process. Second floor private balconies along Grape Street have been approved as an exception to the Street Wall Frontage.
- b. Below Grade Parking [CCPDO section 156.0313(f)(5)]: At least three levels of below-grade parking shall be provided prior to the provision of any above-grade parking, except only two levels of below-grade parking are required for developments in which all above-grade parking is encapsulated with habitable area along all street frontages. All at-grade parking is fully encapsulated from Grape Street.
- c. Limited Vehicle Access [CCPDO section 156.0313(l)(4)]: no curb cuts are permitted on the streets designated as "Limited Vehicle Access" unless driveway access is not feasible on adjacent streets due to lot size, lot configuration, or other significant factors. What is known as "California Street" is not a PROW and therefore vehicle access can only be provided from Grape Street.

4. FAR Bonus

Prior to issuance of any building permit associated with this proposed development, Owner/Permittee shall demonstrate compliance with the Affordable Housing FAR Bonus provisions of CCPDO section 156.0309(e)(1) to the satisfaction of the San Diego Housing Commission (SDHC) and CivicSD. Owner/Permittee shall enter into a written agreement with the SDHC ("Agreement") – drafted and approved by the SDHC, executed by the Owner/Permittee, and secured by a Deed Of Trust – that incorporates applicable affordability conditions consistent with the CCPDO; specifically including that, in exchange for the CivicSD's approval of this Permit, which contains up to a 35% FAR bonus, alone or in conjunction with any incentives or concessions granted as part of Permit approval, the Owner/Permittee shall provide six units with rents of no more than 30% of 80% of Area Median Income (AMI) for rental units, so as to be considered affordable to low income households as defined in CCPDO section 156.0309(e)(1)(iv), for no fewer than 55 years for rental units. Owner/Permittee shall record the Agreement and the Deed Of Trust in favor of the SDHC with the Office of the San Diego County Recorder.

915 GRAPE
CCDP/CDP No. 2014-35

5. Inclusionary Affordable Housing Fee Exemption

Prior to issuance of any Building Permit associated with this development, Owner/Permittee shall also demonstrate compliance with the Inclusionary Affordable Housing Regulations provisions of Land Development Code (LDC) section 142.1303 to the satisfaction of the SDHC and CivicSD. The Agreement referenced in the preceding paragraph shall also incorporate the applicable affordability conditions consistent with the LDC and the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual; specifically including that, in exchange for an exemption from the requirement to pay an Inclusionary Affordable Housing Fee and as consideration for the receipt of incentives or concessions pursuant to LDC section 142.1303(f), which require the Owner/Permittee to enter into a contract to restrict rents, the Owner/Permittee shall provide six units with rents of 30% of 65% of AMI, so as to be considered affordable to targeted rental households for no fewer than 55 years.

PLANNING AND DESIGN REQUIREMENTS

6. Airport Land Use Compatibility Plan (ALUCP)

This development has been determined to be conditionally consistent with the ALUCP by the San Diego County Airport Land Use Commission (ALUC). As a condition of approval, the residences must be sound attenuated to 45 dB CNEL interior noise level and an Aviation Easement must be recorded with the Office of the San Diego County Recorder prior to issuance of any Building Permit associated with this development.

7. Residential Amenities and Facilities

The development includes the following residential amenities and facilities as illustrated on the approved Basic Concept/Schematic Drawings on file at CivicSD, which shall be required to be maintained within the development in perpetuity:

- a. Pet Open Space – A minimum of 100 SF of contiguous area for use by pets and clearly marked for such exclusive use shall be provided. The pet open space must contain permeable surface of gravel, sand, grass or similar, or a concrete surface connected to a drain in proximity to an outside faucet for washing down the surface. The development shall be responsible for daily cleaning and regular maintenance of this space. This open space shall be located within the interior of the development and shall not be located adjacent to PROW areas.
- b. Common Outdoor Open Space – A minimum of 2,167 SF of common outdoor open space shall be provided. The dimensions of the common outdoor open space must be a minimum of 30 feet when enclosed on one or two sides and 40 feet when enclosed on three or more sides. The dimensions of the common outdoor open space must not be reduced for the life of the development. A minimum of ten percent of each common outdoor open space area must be planted area and each area must be accessible to all

915 GRAPE
CCDP/CDP No. 2014-35

residents of the development through a common corridor or other access from within the development.

- c. Common Indoor Space – A minimum of 500 SF of common indoor space shall be provided. The space(s) shall be maintained for use by residents of the development and must be accessible through a common corridor. The area may contain active or passive recreational facilities, meeting space, computer terminals, or other activity space.

8. Urban Design Standards

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

- a. Architectural Standards – The architecture of the development shall establish a high quality of design and complement the design and character of the Little Italy neighborhood as shown in the approved Basic Concept/Schematic Drawings on file with CivicSD. The development shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.
- b. Form and Scale – The development shall consist of a mixed-use development of eight stories (not to exceed 85 feet tall) measured to the top of the roofline, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the CCPDO and the Federal Aviation Administration (FAA). All building elements shall be complementary in form, scale, and architectural style.
- c. Building Materials – All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within one inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any plaster materials shall consist of a hard troweled, or equivalent, smooth finish. Any stone materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. Any graffiti coatings shall be extended the full height of the upgraded base materials or up to a natural design break such a cornice line. All downspouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the architectural design. Reflectivity of the glass shall be the minimum reflectivity required by Title 24 of the California Code of Regulations (“Title 24”).

All construction details shall be of the highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the public right of way. No substitutions of materials or colors shall be permitted without the prior written consent of the CivicSD. A final materials board which

illustrates the location, color, quality, and texture of proposed exterior materials shall be submitted with 100% Construction Drawings and shall be consistent with the materials board approved with the Basic Concept/Schematic Drawings.

- d. Street Level Design – Architectural features such as awnings and other design features which add human scale to the streetscape are encouraged where they are consistent with the design theme of the structure. Exit corridors including garage/motor-court entrances shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet.

All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and surfaces shall be logically composed and placed to minimize their visibility, while meeting code requirements. All soffit materials shall be high quality and consistent with adjacent elevation materials (no stucco or other inconsistent material), and incorporate drip edges and other details to minimize staining and ensure long-term durability.

- e. Utilitarian Areas – Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the PROW and adjoining developments, except for utilities required to be exposed by the City or utility company. The development shall provide trash and recyclable material storage areas per LDC 142.0810, 142.0820, and 142.0830. Such areas shall be provided within an enclosed building/garage area and shall be kept clean and orderly at all times. The development shall implement a recycling program to provide for the separation of recyclable materials from the non-recyclable trash materials.
- f. Mail and Delivery Locations – It is the Owner's and Permittee's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal and loading use. The Owner/Permittee shall locate all mailboxes and parcel lockers outside of the PROW, either within the building or recessed into a building wall. A single, centralized interior mail area in a common lobby area is encouraged for all residential units within a development, including associated townhouses with individual street entrances. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall, which may be shared with residential uses sharing a common street frontage address.
- g. Access – Vehicular access to the development's parking shall be limited to one driveway on Grape Street with a curb cut not to exceed 24 feet in width.
- h. Circulation and Parking – The Owner/Permittee shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, trees, and street lights. Such plan shall be submitted in conjunction with 100% Construction Drawings.

All subterranean parking shall meet the requirements of the Building Department, Fire Department and City Engineer. All parking shall be mechanically ventilated. The exhaust

915 GRAPE
CCDP/CDP No. 2014-35

system for mechanically ventilated structures shall be located to mitigate noise and exhaust impacts on residential units, adjoining properties, and the PROW.

- i. Open Space and Development Amenities – A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups shall be submitted with 100% Construction Drawings.
- j. Roof Tops – A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with 100% Construction Drawings. Any roof-top mechanical equipment must be grouped, enclosed, and screened from surrounding views (including views from above); except where exempted by this Permit.
- k. Signage – All signs shall comply with the City Sign Regulations and the CCPDO.
- l. Lighting – A lighting plan which highlights the architectural qualities of the development and also enhances the lighting of the PROW shall be submitted with 100% Construction Drawings. All lighting shall be designed to avoid illumination of adjoining properties.
- m. Noise Control – All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City Noise Ordinance and California Noise Insulation Standards as set forth in Title 24. All mechanical equipment shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential. Owner/Permittee shall provide evidence of compliance at 100% Construction Drawings.
- n. Energy Considerations – The design of the improvements shall include, where feasible, energy conservation construction techniques and design, including cogeneration facilities, and active and passive solar energy design. The Owner/Permittee shall demonstrate consideration of such energy features during the review of the 100% Construction Drawings.
- o. Street Address – Building address numbers shall be provided that are visible and legible from the PROW.

9. On-Site Improvements

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

PUBLIC IMPROVEMENTS, LANDSCAPING, AND UTILITY REQUIREMENTS

10. Off-Site Improvements

The following public improvements shall be installed in accordance with the CCSM. The CCSM is currently being updated and the Owner/Permittee shall install the appropriate improvements according to the latest requirements at the time of Right-Of-Way Permit issuance:

	Grape Street
Street Trees	Alternating Jacaranda and Mexican Fan Palm
Tree Grates	Little Italy
Sidewalk Paving	Little Italy
Street Lights	Gateway (Dark Green)
Litter Container	Little Italy

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

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

- b. Street Lights – All existing lights shall be evaluated to determine if they meet current CivicSD and City requirements, and shall be modified or replaced if necessary.
- c. Sidewalk Paving – Sidewalk, curb, and gutter shall be installed as identified in the CCSM. Any specialized paving materials shall be approved through the execution of an Encroachment Maintenance and Removal Agreement (EMRA) with the City.
- d. Litter Containers – The development shall provide a minimum of one litter receptacle and shall be located as specified in the CCSM.
- e. Landscaping – All required landscaping shall be maintained in a disease, weed, and litter free condition at all times. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired

915 GRAPE
CCDP/CDP No. 2014-35

and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of the CivicSD within 30 days of damage or Certificate of Occupancy.

- f. Planters – Planters shall be permitted to encroach into the PROW a maximum of two feet for sidewalk areas measuring at least twelve feet and less than 14 feet in width. For sidewalk areas 14 feet or wider, the maximum permitted planter encroachment shall be three feet. The planter encroachment shall be measured from the property line to the face of the curb to the wall surrounding the planter. A minimum six foot clear path shall be maintained between the face of the planter and the edge of any tree grate or other obstruction in the PROW.
- g. On-Street Parking – The Owner/Permittee shall maximize the on-street parking wherever feasible.
- h. Public Utilities – The Owner/Permittee shall be responsible for the connection of on-site sewer, water and storm drain systems from the development to the City Utilities located in the PROW. Sewer, water, and roof drain laterals shall be connected to the appropriate utility mains within the street and beneath the sidewalk. The Owner/Permittee may use existing laterals if acceptable to the City, and if not, Owner/Permittee shall cut and plug existing laterals at such places and in the manner required by the City, and install new laterals. Private sewer laterals require an EMRA.

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

Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check. If and when the Owner/Permittee submits for a tentative map or tentative map waiver, the Water Department will require Covenants, Conditions, and Restrictions (“CC&Rs”) to address the operation and maintenance of the private on-site water system serving the development. No structures or landscaping of any kind shall be installed within ten feet of water facilities.

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

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

11. Storm Water Compliance

- a. Prior to issuance of any Construction Permit, the Owner/Permittee shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
- b. Prior to the issuance of any Construction Permit, the Owner/Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the LDC, into the construction plans or specifications.
- c. Prior to 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 Appendix E of the City’s Storm Water Standards.
- d. Prior to the issuance of any Construction Permit, the Water Quality Technical Report (WQTR) will be subject to final review and approval by the City Engineer.

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

- a. The Owner/Permittee shall (at its own cost and expense) remove and/or otherwise remedy as provided by law and implementing rules and regulations, and as required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the Site. Such work may include without limitation the following:

915 GRAPE
CCDP/CDP No. 2014-35

- i. Remove (and dispose of) and/or treat any contaminated soil and/or water on the site (and encountered during installation of improvements in the adjacent PROW which the Owner/Permittee is to install) as necessary to comply with applicable governmental standards and requirements.
- ii. Design construct all improvements on the site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor or other form, and/or from the direct and indirect effects thereof.
- iii. Prepare a site safety plan and submit it to the appropriate governmental agency, CivicSD, and other authorities for approval in connection with obtaining a Building Permit for the construction of improvements on the site. Such site safety plan shall assure workers and other visitors to the site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.
- iv. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.
- v. If required due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval by the appropriate governmental authorities.

STANDARD REQUIREMENTS

13. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP)

As required by CCPDO section 156.0304(h), the development shall comply with all applicable MMRP measures from the 2006 Final Environmental Impact Report (FEIR) for the DCP as applicable:

- a. Air Quality – Mitigation Measure AQ-B.1-1
- b. Land Use – Mitigation Measure LU-B.4-1
- c. Noise – Mitigation Measures NOI-B.1-1
- d. Noise – Mitigation Measures NOI-C.1-1
- e. Paleontological Resources – Mitigation Measure PAL-A.1-1

14. Historical Resource Review

A Historical Resource Review and determination has been completed as part of this Permit for existing structures on this premises that are 45 years old or older. Such determinations are valid for up to five years from the date of determination. The Owner/Applicant is responsible

915 GRAPE
CCDP/CDP No. 2014-35

for submitting for Potential Historical Resource Review if the previous determination has expired prior to Construction Permit issuance.

15. Development Impact Fees

The development will be subject to Centre City Development Impact Fees. For developments containing commercial space(s) the Owner/Permittee shall provide to the City's Facilities Financing Department the following information at the time of application for Building Permit plan check: 1) total square footage for commercial lease spaces and all areas within the building dedicated to support those commercial spaces including, but not limited to: loading areas, service areas and corridors, utility rooms, and commercial parking areas; and 2) applicable floor plans showing those areas outlined for verification. In addition, it shall be responsibility of the Owner/Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed.

16. Inclusionary Affordable Housing Ordinance

As required by LDC Chapter 14, Article 2, Division 13, developments containing residential uses shall comply with all applicable regulations of the City's Inclusionary Housing Ordinance. The Owner/Permittee shall provide to CivicSD the following information at the time of application for Building Permit plan check: 1) total gross floor area of all residential DU; and 2) applicable floor plans showing those areas outlined for verification.

17. Construction Fence

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

18. Development Identification Signs

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

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

Additional development signs may be provided around the perimeter of the site. All signs shall be limited to a maximum of 160 SF per street frontage. Graphics may also be painted on

915 GRAPE
CCDP/CDP No. 2014-35

any barricades surrounding the site. All signs and graphics shall be submitted to the CivicSD for approval prior to installation.

19. Tentative Map

The Owner/Permittee shall be responsible for obtaining all map approvals required by the City prior to any future conversion of the residential units and/or commercial spaces to condominium units for individual sale.


20. This Permit must be utilized within 36 months after the date on which all rights of appeal have expired. If this Permit is not utilized in accordance with Section 126.0108 of the LDC within the 36 month period, this Permit shall be void unless an Extension of Time (EOT) has been granted pursuant to Section 126.0111 of the LDC.
21. Issuance of this Permit by CivicSD does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies.
22. 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.
23. This development shall comply with the standards, policies, and requirements in effect at the time of approval of this development, including any successor(s) or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City.
24. No permit for construction, operation, or occupancy of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until this Permit is recorded in the Office of the San Diego County Recorder.
25. The Owner/Permittee shall defend, indemnify, and hold harmless the CivicSD and the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this Permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The CivicSD will promptly notify the Owner/Permittee of any claim, action, or proceeding and, if CivicSD should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. CivicSD may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between CivicSD and the Owner/Permittee regarding litigation issues, the CivicSD shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

915 GRAPE
CCDP/CDP No. 2014-35

This CCDP/CDP No. 2014-35 is granted by CivicSD on September 30, 2015.

CIVIC SAN DIEGO:

OWNER/PERMITTEE:



Brad Richter
Assistant Vice President, Planning
10/14/15
Date



Ariel Miller
Bay View SD, LLC
10-16-15
Date

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)
On October 14, 2015 before me, Megan M. Naylor (Notary Public),
Date Here Insert Name and Title of the Officer
personally appeared Brad Richter
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Megan M. Naylor
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: CCPD/CCDP/CDP No. 2014-35 Document Date:
Number of Pages: 14 Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

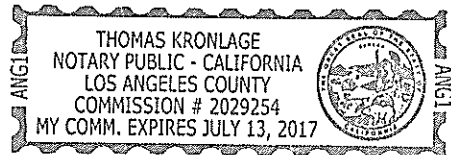
State of California }
County of Los Angeles } s.s.

On Oct. 16, 2015 before me, Thomas Kronlage, Notary Public
personally appeared Aniel MILLER

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~they executed the same in his/~~her~~their authorized capacity(ies), and that by his/~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Coastal Development Permit, Centre City Planned District containing 14 pages, and dated 09/30/2014.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____ Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence:	
<input checked="" type="checkbox"/> form(s) of identification	<input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # _____	Entry # _____
Notary contact: <u>(310) 264-0517</u>	
Other	
<input type="checkbox"/> Additional Signer	<input type="checkbox"/> Signer(s) Thumbprints(s)
<input type="checkbox"/> _____	

**CIVIC SAN DIEGO
RESOLUTION #2015-12
CENTRE CITY PLANNED DISTRICT
CENTRE CITY DEVELOPMENT PERMIT
COASTAL DEVELOPMENT PERMIT
NO. 2014-35**

WHEREAS, Bay View SD, LLC, Owner/Permittee, filed an application for Centre City Development Permit / Coastal Development Permit (CCDP/CDP) No. 2014-35 to Civic San Diego ("CivicSD") to allow the construction of an eight-story mixed-use development comprised of approximately 70 residential dwelling units (DU) including indoor and outdoor amenity space, approximately 1,500 square feet (SF) of ground floor commercial space, and approximately 79 automobile parking spaces in two levels of subterranean and one level of at-grade parking on a 14,498 SF premises at 915-919 Grape Street in the Little Italy neighborhood within the Centre City Planned District (CCPD) of the Downtown Community Plan (DCP) area in the City of San Diego ("City"); more particularly more particularly described as Right Of Way Lots 28, 29, and 30 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson, on file in the Office of the County Clerk of San Diego County;

WHEREAS, a Notice of Application was mailed to property owners and tenants within a 300 foot radius of the premises;

WHEREAS, the CivicSD Board of Directors ("Board") held a public meeting on January 28, 2015 to consider the Design Review proposal for the proposed development;

WHEREAS, after considering the staff report and recommendations, drawings, materials, and public testimony and correspondence provided prior to and during the January 28, 2015 public meeting, the CivicSD Board granted Design Review approval for the proposed development pursuant to section 156.0304 of the San Diego Municipal Code (SDMC);

WHEREAS, CivicSD considered the drawings and other materials submitted prior to the decision, the inspection of the subject premises, the comments received from the appropriate City departments, the County of San Diego, and public comments submitted prior to the decision;

WHEREAS, development within the DCP area is covered under the Final Environmental Impact Report (FEIR) for the San Diego DCP, Centre City Planned District Ordinance (CCPDO), and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively) and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115). The FEIR is a "Program EIR" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section

15168. Consistent with best practices suggested by Section 15168, an FEIR Consistency Evaluation has been completed for the proposed development. The Evaluation concluded that the environmental impacts of the proposed development were adequately addressed in the FEIR, the proposed development is within the scope of the development program described in the FEIR, and that none of the conditions listed in Section 15162 exist; therefore, no further environmental documentation is required under CEQA;

WHEREAS, the CivicSD President considered the application for CCDP/CDP No. 2014-35 including staff recommendations, public testimony, and Design Review approval by the CivicSD Board of Directors on January 28, 2015, and granted CCDP/CDP No. 2014-35 to the Owner/Permittee on May 29, 2015 based on the findings herein pursuant to SDMC sections 126.0708 and 156.0304;

WHEREAS, Invesco Advisors, Incorporated (“Appellant”) filed an appeal of the CivicSD President’s decision to approve CCDP/CDP No. 2014-35 on June 16, 2015 in accordance with SDMC sections 112.0504 and 156.0304; and,

WHEREAS, the CivicSD Board held a duly noticed public hearing on September 30, 2015 and considered an appeal filed on the CivicSD President’s decision, including a staff report and recommendation, the Appellant’s appeal, and public testimony, pursuant to SDMC sections 112.0504, 126.0708, and 156.0304;

NOW, THEREFORE, BE IT RESOLVED by the CivicSD Board that this proposed development is consistent with the DCP, CCPDO, SDMC, and all other adopted plans and policies of the City pertaining to the CCPD as the development advances the goals and objectives of the DCP and CCPDO by:

- Adding the range of downtown housing opportunities;
- Contributing to the vision of downtown as a major residential neighborhood;
- Increasing the downtown residential population;
- Providing the production of affordable housing;
- Increasing the supply of rental housing affordable to low income persons;
- Protecting public views of the San Diego Bay by conforming to public view corridor development standards; and,
- Continuing Little Italy’s evolution as a cohesive, mixed use waterfront neighborhood.

In addition, with approval of CCDP/CDP No. 2014-35, this proposed development is consistent with the requirements of the SDMC and CCPDO.

CDP FINDINGS

1. *The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and, the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan;*

This proposed development does not encroach on any existing or proposed public accessway. The proposed development will maintain the required view corridors on Grape Street and provide the required setback from the property line a distance of 15 feet at a height of 30 feet in order to preserve public views. By developing this currently under developed site and providing current standard public improvements along Grape Street, this proposed development will enhance public access to the waterfront from the Little Italy neighborhood. Construction of this development will enhance the public views by creating a new contemporary building to frame the views from Little Italy to San Diego Bay.

- 2. *The proposed coastal development will not adversely affect environmentally-sensitive lands;*

This proposed development site has been previously developed with residential and commercial uses, and no environmentally sensitive lands exist on the site or will be impacted by construction of the proposed development.

- 3. *The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and,*

This proposed development is consistent with the DCP, CCPDO, SDMC, and all other adopted plans and policies of the City pertaining to the CCPD which were certified by the California Coastal Commission.

- 4. *For every CDP issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.*


This proposed development is not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Overlay Zone.

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on the findings, herein before adopted by the CivicSD Board, the appeal of CCDP/CDP No. 2014-35 is hereby DENIED and the permit approval affirmed to the Owner/Permittee, subject to the terms and conditions set forth in the Permit, a copy of which is attached hereto and made part hereof.

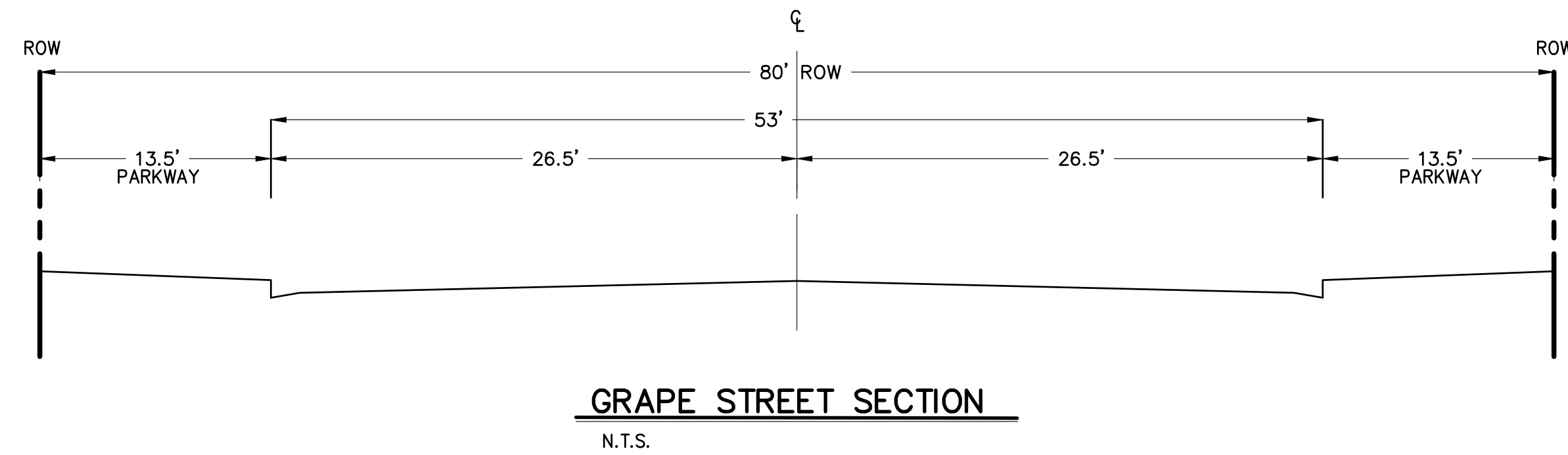
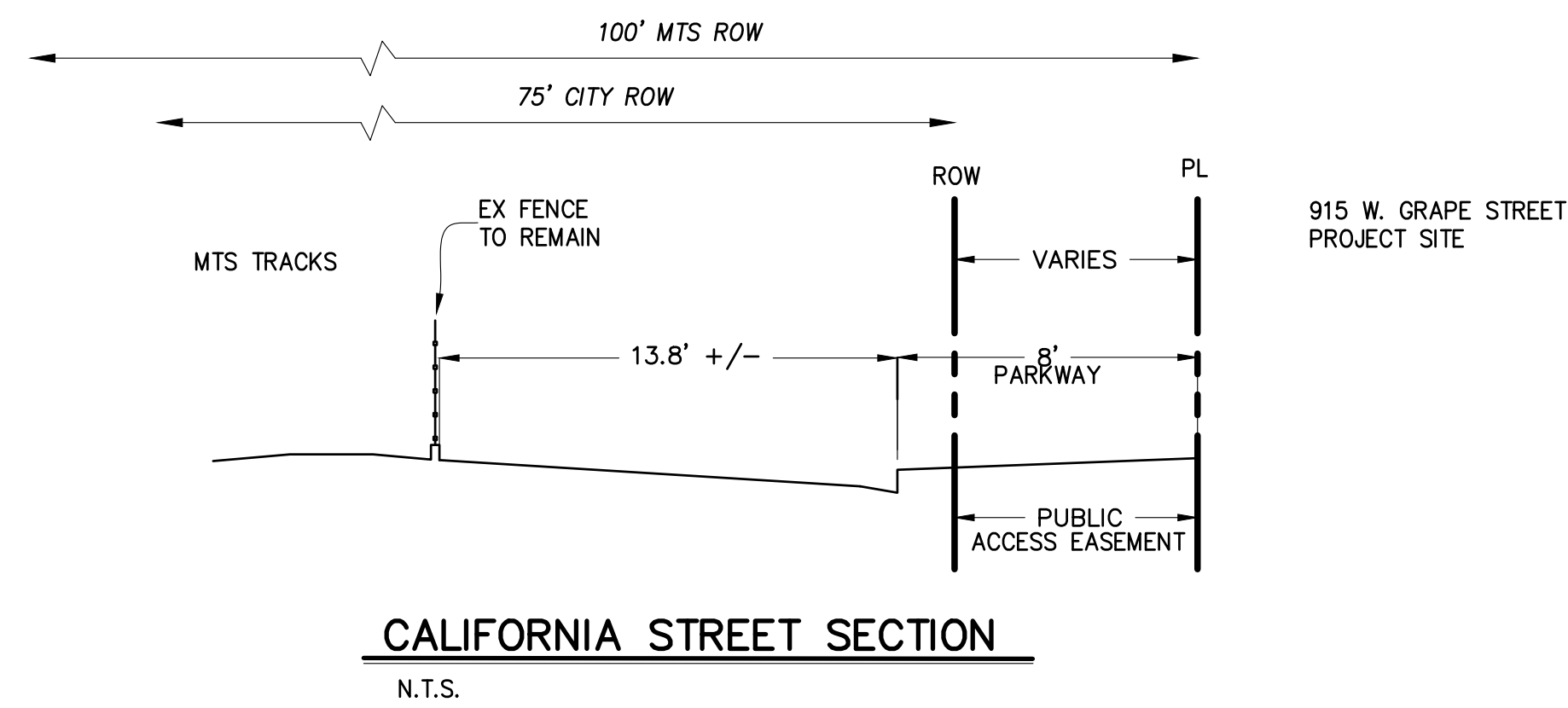
AYES: 7 NOES: 1 ABSTENTIONS: 0

CERTIFICATION

I, Donna Jones, Secretary of the CivicSD Board, do hereby certify that the above is a true and correct copy of a resolution adopted by the CivicSD Board at a meeting held on September 30, 2015.


Donna Jones
Secretary of the Board of Directors

TENTATIVE MAP 2025201 FOR 70 UNIT CONDOMINIUM PURPOSES SAN DIEGO, CALIFORNIA



UNIT TYPE INFORMATION TABLE

UNIT TYPE	COUNT	UNIT SIZE (SF)	TOTAL UNITS
STUDIO	17	472-735	--
1 BEDROOM	40	726-880	--
2 BEDROOMS	13	1276-1359	--
--	--	--	70

UTILITY TABLE

UTILITY	LOCATION	UTILITY STATUS
ELECTRICAL	GRAPE ST	UNDERGROUNDED
CATV	GRAPE ST	UNDERGROUNDED

STREET LIGHT TABLE

STREET LIGHT #	STREET	LOCATION REFERENCE	CORNER/STREET SIDE	STANDARD TYPE	WATTAGE	LUMINAIRE TYPE/ITEM #
1	GRAPE ST	@ CALIFORNIA ST	SW CORNER	17-2-100	165	
2	GRAPE ST	@ CALIFORNIA ST	NW CORNER	15	165	
3	GRAPE ST	CA ST-PACIFIC HWY	NORTH SIDE	15	165	
4	GRAPE ST	CA ST-PACIFIC HWY	SOUTH SIDE			P-G

PROJECT WATER DEMAND
DOMESTIC: 1,170.5 FU
COMMERCIAL: 41.5 FU

GENERAL NOTES

APPLICANT/PREPARED BY:
SWS ENGINEERING, INC.
CIVIL ENGINEERING • LAND PLANNING • SURVEYING
261 Autumn Drive, Suite 115 | 31045 Temecula Parkway, Suite 201
San Marcos, CA 92069 | Temecula, CA 92592
P: 760-744-0011 | F: 760-744-0046 | P: 951-296-3407 | F: 951-587-9451
DATE: Oct 03, 19:35:04pm by carol.stein
FILE: Z:\Projects\2014\14-093\PROJ\Planning\TM\14-093_TPM.dwg

APPLICANT/OWNER:
BAYVIEW SD, LLC
12400 WILSHIRE BOULEVARD
LOS ANGELES, CA 90025

FLOOD ZONING:
COMMUNITY-PANEL NUMBER 06073C1885G
FLOOD ZONE X, OUTSIDE OF THE 500 YEAR FLOODPLAIN

PROPERTY NOT SUBJECT TO LIQUEFACTION OR OTHER GEOLOGICAL HAZARDS
PROPERTY IS LOCATED WITHIN A SPECIAL ZONE (DOWNTOWN VILLAGE SPECIFIC PLAN (DVSP))
PROPERTY NOT IN HIGH FIRE HAZARD AREA
PROPERTY NOT SUBJECT TO OVERFLOW
PROPERTY NOT IN SUBJECT TO INUNDATION
PROPERTY NOT SUBJECT TO FLOOD HAZARDS

NOT WITHIN SPECIFIC PLAN
PROPERTY IS NOT WITHIN A COMMUNITY SERVICES DISTRICT

THIS TENTATIVE MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDER.

ZONING: EMPLOYMENT/RESIDENTIAL - MIXED USE
ASSESSOR'S PARCEL NO.: 533-213-002, 3, 4 & 19
ADDRESS: 915 W GRAPE STREET
NUMBER OF EXISTING LOTS: 3
NUMBER OF PROPOSED LOTS: 1 LOT W/ 70 CONDO UNITS
TOTAL ACREAGE: 0.33 AC GROSS

SOURCE OF TOPOGRAPHY:
AERIAL TOPOGRAPHY HAS BEEN PERFORMED BY COFFEY ENGINEERING DATED AUGUST 2010.

CONTOUR INTERVAL: 1 FOOT

SCHOOL DISTRICT: SAN DIEGO UNIFIED SCHOOL DISTRICT

UTILITIES:
TELEPHONE: VERIZON
CABLE: COX
WATER: CITY OF SAN DIEGO
SEWER: CITY OF SAN DIEGO
ELECTRICITY: SDG&E
GAS: SDG&E
FIRE: SAN DIEGO FIRE DEPARTMENT

DATE PREPARED: JUNE 2017
JOB No. 14-093
NAD83 COORDINATES: 1844-6277
L.C. COORDINATES: 204-1717

TENTATIVE MAP FOR:
915 W GRAPE STREET
SHEET 2 OF 2

REVISION BLOCK	
NO.	DATE





Downtown Community Planning Council San Diego

DOWNTOWN COMMUNITY PLANNING COUNCIL MEETING MINUTES OF DECEMBER 13, 2017.

Call to Order: Chair Stark @ 5:20pm.

Roll Call: Chair Stark noted that 14 of 23 members were present, constituting a quorum.

Members Present @ Call to Order (14): Baker, Blair, Brewer, DiFrancesca, Dion, Gharabikiou, King, Lawson, Link, Litwak, Rosenbaum, Stark, Wery, Wessling

Late Arrival (3): Ball, Gordon, Potter

Members Absent (6): Escala, Herscovitz, Morgan, Nauta, Radke, Wood

Early Departure (1): King

2. Approval of Minutes November 8, 2017 Meeting

- There were no changes to the minutes. Minutes accepted as written.

3. Public Comments on Non-Agenda Items:

- Gary Smith commented on new information from the Port Authority regarding the 5th Avenue Hotel

4. Elected Representative Comments:

- District 3 Chris Ward Representative, Brian Elliot
 - Westfield Horton Plaza – people feeling unsafe – lack of security personnel
 - Council unable to reach agreement on short-term residence rentals
 - Annual count of homeless is scheduled for January 26, 4 AM – 7AM

5. Chairperson's Report, Subcommittee Reports:

- Chair Stark announced there would be a meeting on DCPC role regarding homelessness after the regular meeting
- Chair Stark reported on the CPC meeting that there were 22 communities reporting CIP priority projects. Also, from CPC, Parks & Recreation will consolidate neighborhood cash in one central account.
- The Bylaws Subcommittee met December 7 and concluded there was no need to make changes for teleconferencing at DCPC meetings and no need to restructure DCPC agendas to move information items
- The Elections Subcommittee will meet January 9 to determine election dates, location, candidate forum, etc.

Information

6. Project Updates: Brad Richter, Civic SD

- St. Vincent de Paul project approved
- 7th & Market Litigation – Plaintiff will appeal further delaying the project

- RFQ published for Children’s Park improvements – estimated completion 2020.
- EV green park on schedule and within budget
- New office project in Little Italy between Hawthorne & Ivy, and Kettner & RR.

Consent – No Items**Action****7. 915 W. Grape Street – Tentative Map Waiver****Public Comments**

In Favor: Gary Smith

Motion:

Support staff recommendation to approve waiver

	In Favor	Opposed	Abstain	Recuse
DCPC	16	0	0	0

In Favor: Baker, Blair, Brewer, DiFrancesca, Dion, Gharabikiou, Gordon, King, Lawson, Link, Litwak, Potter, Rosenbaum, Stark, Wery, Wessling

11. Punch Bowl Social Live Entertainment**Public Comments**In favor: Gary Smith with weekday hours to 10 PM
Steve Rawlings – consultant for developer

Motion:

Support staff recommendation for approval with a weekday 10 PM limit to live entertainment

	In Favor	Opposed	Abstain	Recuse
DCPC	16	0	0	0

In Favor: Ball, Baker, Blair, Brewer, DiFrancesca, Dion, Gharabikiou, Gordon, Lawson, Link, Litwak, Potter, Rosenbaum, Stark, Wery, Wessling

8. Meeting dates for calendar 2018

Motion:

Approve Civic San Diego proposed meeting dates with a change in time to 5:30 PM.

	In Favor	Opposed	Abstain	Recuse
DCPC	16	0	0	0

In Favor: Ball, Baker, Blair, Brewer, DiFrancesca, Dion, Gharabikiou, Gordon, Lawson, Link, Litwak, Potter, Rosenbaum, Stark, Wery, Wessling

Miscellaneous

12. Potential Agenda Items and Member Comments – None

13. Urgent Non-Agenda Items - None

Adjournment

Adjourned at 6:50 PM



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

ATTACHMENT 10 Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title
915 W. Grape Street Tentative Parcel Map for condominium purposes

Project No. For City Use Only

570078

Project Address:
915 W. Grape Street

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: _____ **Fax No:** _____

Signature : _____ **Date:** _____

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: _____ **Fax No:** _____

Signature : _____ **Date:** _____

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: _____ **Fax No:** _____

Signature : _____ **Date:** _____

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: _____ **Fax No:** _____

Signature : _____ **Date:** _____

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):

BayviewSDLLC

Owner Tenant/Lessee

Street Address:

12400WilshireBlvd.ste230

City/State/Zip:

3103396333

Phone No:

Fax No:

ArielMiller

Name of Corporate Officer/Partner (type or print):

Partner

Title (type or print):

Signature

Date:

8-28-17

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date: