



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: November 1, 2018 REPORT NO. PC-18-071

HEARING DATE: November 8, 2018

SUBJECT: HILLTOP/EUCLID MIXED-USE DEVELOPMENT PROJECT. Process Five

PROJECT NUMBER: [560527](#)

OWNER/APPLICANT: City of San Diego, a California Municipal Corporation/  
Affirmed Housing Group, Inc., a Delaware Corporation

### SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council of an application for a subdivision containing 51 lots and the construction a mix-use development containing 8,485 square feet of commercial space and 113 apartment units that would be set aside for low income (rent that does not exceed 30 percent of 60 percent of the area median income (AMI)) and very low income (rent that does not exceed 30 percent of 50 percent of the AMI), 20 market-rate single-family dwelling units, and 27 market-rate two-and three-story townhomes on a 9.38-acre vacant lot located at 922-1040 Euclid Avenue and 5012 Hilltop Drive within the Encanto Neighborhoods Community Plan area?

### Staff Recommendations:

1. Recommend the City Council ADOPT Addendum No. 560527 to Program Environmental Impact Report No. 386029/SCH No. 2014051075, and ADOPT the Mitigation, Monitoring, and Reporting Program;
2. Recommend the City Council APPROVE Site Development Permit No. 1976637;
3. Recommend the City Council APPROVE Neighborhood Development Permit No. 2179090; and
4. Recommend the City Council APPROVE Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097.

Community Planning Group Recommendation: On February 26, 2018, the Chollas Valley Community Planning Group (formerly Encanto Community Planning Group) voted 5-1-4 to recommend approval of the project with no conditions (Attachment 13).

Environmental Review: [Addendum No. 560527](#) to [Program Environmental Impact Report \(PEIR\) No. 386029/SCH No. 2014051075](#) prepared for the Southeastern San Diego Community Plan and Encanto Neighborhoods Community Plan updates has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project, which will reduce the potential impacts to below a level of significance.

Fiscal Impact Statement: No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Housing Impact Statement: The project site is within the Encanto Neighborhoods Community Plan, and designates this site for Residential-Medium and as Neighborhood Mixed Use-Medium. The proposed project is consistent with these designations as it proposes 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes, as well as a mix-use development containing 113 apartment units on a 9.38-acre site resulting in a density of approximately 17 dwelling units per acres (du/ac). The 113 apartment units will be set aside for low income (rent that does not exceed 30 percent of 60 percent of the area median income (AMI)) and very low income (rent that does not exceed 30 percent of 50 percent of the AMI). This project is aligned with the Community Plan goal for market-rate and affordable housing that contributes to community character, as well as the vision for a balanced community that supports the development of housing affordable to all income levels.

## BACKGROUND

The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The project site is in the CN-1-4 and RM-1-2 zones and the Community Plan Implementation Overlay Zone A (CPIOZ-A) within the Encanto Neighborhoods Community Plan area, Transit Priority Areas, and the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA). The General Plan designates the western portion of the site as Residential and eastern portion Multiple Use. The community plan designates the western portion of the site as Residential-Medium use at 15-29 dwelling units per acres (du/ac) and the eastern portion as Neighborhood Mixed Use-Medium Residential use at 30-44 du/ac. The Neighborhood Mixed Use designation is intended to provide convenience shopping and services and housing in a mixed-use setting, as well civic uses, within generally half-mile of a Trolley stop, as well as focused locations. The project site is located approximately 1,890 feet or less than a half-mile from the Euclid Avenue Station Transit Center, which includes the San Diego Trolley stop (Orange Line) and eight bus stops (Bus Routes 3, 4, 5, 13, 60, 916, 917, and 955).

The existing site improvements consist of several concrete foundations/slabs and six driveways located along the eastern boundary adjacent to Euclid Avenue. Eight residential structures were removed in 2006; however, foundations/slabs and remnant debris is visible along the eastern

boundary adjacent to Euclid Avenue. The previous residential structures were constructed between 1927 and 1954. Prior to the issues of the demolition permits, a historical assessment was performed and City staff had determined that the properties and associated structures would not be considered historically or architecturally significant in terms of architectural style, appearance, design, or construction associated with important persons or events in history. In addition, the properties did not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The topography of the project site is varied, consisting of a flat mesa and a ravine area that is bisected by a small unnamed drainage feature. The site is located within the boundaries of the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan but is not within a Multi-Habitat Planning Area (MHPA), and is located above the 100-year floodplain. The site does contain environmentally sensitive lands in the form of sensitive biological resources as defined in [San Diego Municipal Code \(SDMC\) Section 113.0103](#). Vegetation on site contains a mixture of nonnative and native vegetation with disturbed and ornamental areas containing patches of eucalyptus woodland and disturbed coastal sage scrub, non-native grassland, and an unnamed ephemeral drainage feature with a small patch of arundo. The drainage feature conveys urban runoff and seasonal flows. Based on a review of historic aerial photographs, the drainage was altered between 1953 and 1964. During this period, a portion of drainage was filled to provide access across the drainage at the southeastern corner of the site adjacent at the eastern terminus of Hilltop Drive. To convey water under the filled area, a concrete pipe was placed in the drainage corridor. Over time, scouring has exposed a large section of pipe on the north side of the fill area.

The surrounding properties have been previously graded and developed. The properties to the west are developed with residential uses, are zoned RS-1-7, and the community plan designates the sites as Residential. The properties to the south are developed with residential uses, are zoned RS-1-7 and CN-1-4, and the community plan designates the sites as Residential and Neighborhood Mixed Use-Medium Residential use. The properties to the east, bordered immediately by Euclid Avenue, are developed with commercial and residential uses, are zoned CN-1-3, the community plan designates the sites as Neighborhood Mixed Use-Medium Residential use. The property to the north is developed with a community garden and undeveloped land, is zoned RS-1-1, and the community plan designates the sites as Institutional.

## DISCUSSION

### Development Regulations:

The project application was deemed complete on September 21, 2017, and proposed development would have been subject to the previous adopted regulations; however, the applicant requested and staff reviewed the project utilizing the new adopted development regulations (11<sup>th</sup> Code Update) that went into effect on October 20, 2017, pursuant to [Ordinance No. O-20856 \(New Series\)](#).

### Project Description:

The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mix-use development containing 113 apartment units with 8,485 square feet of commercial space on the

ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construction of a raised center median along the project's frontage on Euclid Avenue, and the restoration and enhancement of the drainage feature as an amenity that functions as a focal point of the site.

The mixed-use Buildings A, and B1 and B2 would consist of four levels and Building C would consist of three levels. The common space Building D would consist of one level, and includes the exterior community swimming pool. The buildings include articulation and offsetting planes to create visual interest. In addition, the materials and colors of all the buildings combined delineate the different buildings and reduce the appearance of the buildings along Euclid Avenue and Hilltop Drive. The complex includes various recreational amenities including a basketball court, gardening space, community room and outdoor gathering areas.

To accommodate mixed-use buildings parking demand, the project would provide 98-standard non-accessible parking spaces, three-accessible parking spaces, one van accessible space and 12 motorcycle spaces. To accommodate mixed use commercial parking demand, the project would provide 19-standard non-accessible spaces, one van accessible space, one van accessible electrical vehicle charging (EVCS) space, two motorcycle spaces and two short-term bicycle racks. A total of 57 secured bicycle parking spaces would be provided in the ground level of Building B2. The project would also provide five non-accessible EVCS parking spaces for the multifamily units and one accessible EVCS multifamily residential space.

The 113 apartment units will be set aside for low income (rent that does not exceed 30 percent of 60 percent of the AMI) and very low income (rent that does not exceed 30 percent of 50 percent of the AMI). The apartment unit types include studio to four-bedroom units, and the following Table 1 is a breakdown of the unit types, size, and the number of units per type:

<b>MIXED USE RESIDENTIAL</b>						
<b>Table 1</b>						
<b>Unit Type</b>	<b>Unit Area</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Total</b>
Studio	456 sf	1	5	5	3	14
One-Bedroom	586 sf	2	8	8	5	23
Two -Bedroom	877 sf	2	13	13	9	37
Three-Bedroom	1,159 sf	5	7	7	2	21
Four-Bedroom	1,441 sf	2	6	6	4	18
Total Unit Type		12	39	39	23	113

The 47 single-family dwelling units consists of 20 market-rate two-story single-family dwelling units and 27 market-rate two-and three-story townhomes, which would be constructed on the western portion of the site. Each of the units contains a private exterior open space, while the remaining open space, landscaping, and roadway would be maintained by the HOA. All the dwelling units and townhomes would contain an attached two-car garage, and a total of 12 unassigned visitor spaces and five motorcycle spaces will also be provided. The following Table 2 is a breakdown of the unit types, size, and the number of units per type:

SINGLE-FAMILY RESIDENTIAL Table 2			
Unit Type	Unit Area	Bedrooms	Total
Plan 1- Single-Family	1,407 sf	3	14
Plan 2- Single-Family	1,682 sf	4	6
Plan 1- Townhomes	1,595 sf	3 w/bonus room	13
Plan 2- Townhomes	1,363 sf	3	14
Total Unit Type			47

The single-family dwelling units and townhomes portion of the project has been designed to meet the purpose and intent, and development standards for a Small Lot Subdivision ([SDMC Section 143.0365](#)). However, the Small Lot Subdivision regulations allow for a maximum of three-bedrooms and the project includes several four-bedroom units; therefore, the regulations could not be implemented for the proposed development. To achieve a similar development, the project is requesting deviations to the development regulations for minimum lot area, minimum lot dimensions, setbacks, and parking requirements for the development of the single dwelling units and townhomes on small lots in order to provide a space-efficient and economical alternative to traditional single dwelling unit development.

Development of the project requires an Easement Vacation (EV) to vacation two storm drain easements, a Vesting Tentative MAP (VTM) to create a subdivision containing 51 Lots, a Site Development Permit (SDP) for development on a parcel of land that contains environmentally sensitive lands (ESL), and a Neighborhood Development Permit (NDP) for an in-fill project and for deviations to the development regulations for an affordable housing development and for encroachments within the public right-of way for above-grade balcony and roof eave. Because the project qualifies as an affordable housing development, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

#### Community Plan Analysis:

The Encanto Neighborhoods Community Plan designates the project site for Residential on the west and Neighborhood Mixed-Use on the east. The Neighborhood Mixed-Use designation is located at the heart of the community and intended to provide housing in a mixed-use setting with convenience shopping and services that serve a three-mile radius. As the project proposes residential and a commercial component, the project would be consistent with the community plan land use designations.

The project is located within the community's Village District, which is envisioned as an activity center with increased density, a mix of diverse uses that are synergistically located in close proximity to one another, and design that promotes multi-modal activity. The project contributes to the vision for the Village District through an integrated mix of residential and commercial uses, ground-floor commercial that interacts with the street, building orientation and design that enhances the pedestrian environment, and green spaces that engage users while contributing to community character.

The proposed design prioritizes connectivity throughout the site, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. The pedestrian environment is enhanced with a pedestrian bridge that allows users to engage with the restored drainage feature that runs through the site, connecting the residential component to the mixed-use component of the site. The proposed pedestrian bridge will not only increase connectivity but will enhance the drainage feature as an amenity that functions as a focal point of the site.

The site's location on Euclid Avenue is within a quarter-mile radius of multiple bus stops along Euclid Avenue and within a half-mile radius of the existing Euclid Avenue Station Transit Center. Euclid Avenue is identified by the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure. The project proposal's strong pedestrian focus, building orientation, and active frontage along Euclid Avenue will implement the vision for this vital corridor. Further, the Encanto Neighborhoods Community Plan references the Euclid Avenue Gateway Master Plan which recommends improvements to balance the needs of all modes of travel along the corridor, resulting in a welcoming roadway that enhances connectivity. The proposed project aims to implement this plan through the recommended continuation of Hilltop Drive, the addition of a buffered bike lane, as well as enhancements to the existing bus stop, and other streetscape improvements.

The project would implement the specific General Plan policy for Mixed-Use Villages (UD-C.2.) which recommends designing village centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points. The proposed project would provide pedestrian-friendly access points throughout the site design and integrate building orientation, façade, and landscaping that enhances the pedestrian environment.

The purpose of the General Plan's Mobility Element is to improve mobility through development of a balanced, multi-modal transportation system. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design, and a safe and comprehensive local and regional bikeway network. As previously discussed, the proposed project would increase pedestrian access and comfort by providing multiple points of access within and through the site, in addition to streetscape improvements that will improve bicycle and pedestrian access to points of interest.

The Urban Design Element of the General Plan emphasizes a compact, efficient, and environmentally sensitive pattern of development as one of its core values. The proposed project supports this value through its dense mix of uses that provide people with a place to gather and interact, and the integration of landscaping that creates an aesthetic and unifying component.

#### Project-Related Issues:

Deviations- The proposed development includes on-site affordable housing units and qualifies as an affordable housing development pursuant to [SDMC Chapter 14, Article 3, Division 9](#) - Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations. An applicant may request deviations from the applicable development regulations in accordance with [SDMC Section 143.0920](#) pursuant to a Neighborhood Development Permit decided in accordance with Process Two

provided that the findings are made and the deviation results in a more desirable project. The following Table 3 is a matrix of the proposed deviations, which is followed by the justifications for the deviations:

<b>DEVIATIONS SUMMARY</b>			
<b>Table 3</b>			
<b>Deviation Description</b>	<b>Deviation from SDMC</b>	<b>Required</b>	<b>Proposed</b>
<b>Ground Floor Restrictions:</b> Lot 51	<a href="#">SDMC Section 131.0540(c)(1)</a>	Residential use and residential parking is prohibited on the ground floor in the front half of the lot	Allow residential use and residential parking within the front half of Lot 51 for Building A
<b>Building Height:</b> RM-1-2 zone	<a href="#">SDMC Section 131.0444(e)</a> and <a href="#">Table 131-04G</a>	Maximum 30-foot height	Allow for a 36-foot building height for a portion of Building C and a 35-foot building height for the three-story townhomes
<b>Minimum Lot Area:</b> RM-1-2 zone	<a href="#">SDMC Table 131-04G</a>	Minimum 6,000 sf for each lot	Allow a 2,170- through 3,431sf lots for the single-family dwelling units and 987- through 1,1971sf lots for the townhomes lots
<b>Minimum Lot Dimensions:</b> RM-1-2 zone	<a href="#">SDMC Table 131-04G</a>	Minimum 50-foot Width, 90-foot Depth, and a 50-foot street frontage is required for each lot	Allow for reduced minimum lot dimensions for the single-family dwelling units and townhomes lots, see justification below
<b>Setbacks:</b> RM-1-2 zone	<a href="#">SDMC Section 131.0443(d)</a> and <a href="#">Table 131-04G</a>	Minimum 15 feet and 20 feet standard front setback, a minimum 5 feet and 8 feet standard side setback, and a minimum 15 feet rear setback	Allow for reduced minimum setbacks for the single-family dwelling units and townhomes lots, see justification below
<b>Minimum Required Parking without a 20-foot Driveway</b>	<a href="#">SDMC Section 142.0525(d)</a>	One additional parking space when the driveways are less than 20 feet	Not require one additional parking space for the townhomes lots containing a seven-foot long driveway



1. A deviation from [SDMC Section 131.0540\(c\)\(1\)](#) - Ground Floor Restrictions, to allow residential use and residential parking within the front half of Lot 51 for Building A, measured from Hilltop Drive, where residential use and residential parking is prohibited on the ground floor in the front half of the lot.

*Justification-* Lot 51 contains the proposed mix-use development and has frontage along Hilltop Drive and Euclid Avenue, and the front yard setback for this lot is along Hilltop Drive. The northern portion of the ground floor of Building A contains the lobby area, laundry facilities, and the lounge area for the residential units above, and a few of the residential parking spaces are located on the northwestern side of the building's parking lot, north of Private Drive D. The residential use is located approximate 173 feet from Hilltop Drive.

Euclid Avenue is identified by the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure. The proposed design prioritizes connectivity throughout the site and building orientation adjacent to Euclid Avenue, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. However, due to the constraints of the natural land forms, and the restoration and enhancement of the drainage feature, the site is limited on the placement of the uses and access to the residential units. The project proposal to include a small portion of the residential uses within front yard setback further enhances the strong pedestrian focus and active frontage toward and along Euclid Avenue, which further implements the vision for this vital corridor.

2. A deviation from [SDMC Section 131.0444\(e\)](#) and [Table 131-04G](#) - Building Height, to allow for a 36-foot building height for a portion of Building C that is in the RM-1-2 zone and a 35-foot building height for the three-story townhomes, where the RM-1-2 zone permits a maximum height of 30 feet.

*Justification-* Approximately one-third of Building C is located in the RM-1-2 zone which has a maximum allowed height of 30 feet and the remaining portions of the building is located within the CN-1-4 zone which has a maximum allowed height of 60 feet. Building C has a proposed 36-foot building height and the requested six-foot height deviation is to allow for the uniformity in the building structure and access to the floors. Without the deviation, the project would loss three low income and very low income affordable apartment units on the third floor. This portion of the building is located within the interior portion of Lot 51 and is separated from the single-family dwelling units by the restored and enhanced drainage feature, and would have no visual impacts from the public right-of-way or the adjacent properties.

In addition, the townhomes are located within the RM-1-2 zone which has a maximum allowed height of 30 feet. The three-story townhomes have a proposed 35-foot building height to allow for a pitched roof for Lots 7-12 and Lots 36-42. This roof design matches the other two-story townhomes and single-family dwelling units, and distinguishes them from the mix-use development. The three-story townhomes lots are located within the interior portion of the subdivision and adjacent to the restored and enhanced drainage feature. The location of these units provides for a visual differential from the higher mixed-use development to the east and the two-story townhomes and single-family dwelling units that are on the perimeter along Hilltop Drive and the western property line.



3. A deviation from [SDMC Table 131-04G](#) - Minimum Lot Area, to allow for reduced minimum lot area for the single-family dwelling units (2,170- through 3,431-square -foot lots) and townhomes lots (987- through 1,1971-square-foot lots), where a minimum 6,000 square feet is required for each lot within the RM-1-2 zone.

*Justification-* The 6,000-square foot minimum lot standard for the RM-1-2 zone was intended to accommodate lower density multiple dwelling units with some characteristics of single dwelling units, at a density of one dwelling unit for each 2,500 square feet of lot area. The proposal is for single dwelling unit development, which allows a maximum of one dwelling unit per lot. As such, the smaller lots proposed within the single dwelling unit portion of the project site will be appropriate for the detached single-family dwelling units and single-family townhome-style development. The detached single-family dwelling units and townhomes will be accessed by private drives, pedestrian paths, and surrounded by HOA-maintained common lots. In addition, the reduced lot sizes will provide a space-efficient and economical alternative to traditional single dwelling unit development. Each of the residential lots contain a small private exterior useable space, while the areas outside to the private lots would be maintained by the HOA. It is also the intent of the project to provide a pedestrian-friendly development that is consistent with the surrounding neighborhood character. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

4. A deviation from [SDMC Table 131-04G](#) - Minimum Lot Dimensions, to allow for reduced minimum lot dimensions for the single-family dwelling units and townhomes lots, where a minimum 50-foot width, 90-foot depth, and a 50-foot street frontage is required for each lot within the RM-1-2 zone.

*Justification-* The minimum 50-foot width, 90-foot depth, and 50-foot street frontage requirements for lots in the RM-1-2 zone were intended to accommodate lower density multiple dwelling units with some characteristics of single-family dwelling units, with access directly from a public right-of-way. The deviation to street frontage will allow for a more efficient use of land by allowing all single-family dwelling units to be accessed by private drives in lieu of a public street. The deviations to lot width and depth will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development, where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

5. A deviation from [SDMC Section 131.0443\(d\)](#) and [Table 131-04G](#) - Setback Requirements in Residential Zones, to allow for reduced minimum setbacks for the single-family dwelling units and townhomes lots, where a minimum 15 feet and 20 feet standard is required for the front yard setback, a minimum 5 feet and 8 feet standard is required for the side yard setback, and a minimum 15 feet is required for the rear yard setback (no alley) in the RM-1-2 zone.

*Justification-* Although horizontal separation between interior buildings will be reduced below the underlying zone requirement, the comprehensive development will observe setbacks from the abutting public right-of-way and from adjacent properties consistent with and exceeding those of the underlying zone. HOA-maintained common Lot 48 will provide a 20-foot separation between the proposed single dwelling units and the Hilltop Drive right-of-way, consistent with the RM-1-2 standard front yard setback requirement of 20-feet. Common Lot 48 will provide a 10-foot separation between the proposed single dwelling units and the existing single-family neighborhood to the west, which exceeds the RM-1-2 side setback allowance of five feet along one side of the property. Common Lot 48 will also provide a 15-foot separation between the proposed single dwelling units and the San Diego Unified School District property to the north, consistent with the RM-1-2 rear yard setback requirement of 15-feet.

The setback deviations will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development, where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

6. A deviation from [SDMC Section 142.0525\(d\)](#) - Minimum Required Parking Without a 20-foot Driveway, to not require one additional parking space for the townhome lots containing a seven-foot long driveway, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, where the regulation requires one additional parking space for each townhome since the driveways are less than 20 feet.

*Justification-* One of the purposes of the requirement for a 20-foot driveway depth is to allow parking on a driveway without encroachment into the public right-of-way and impeding public pedestrian circulation. Vehicular access to all single dwelling unit properties will be from private drives and not directly from the public right-of-way. All single dwelling unit properties have pedestrian access separated from the vehicular access and the private drives will serve the vehicles. Another purpose of the 20-foot driveway depth is to accommodate additional parking. Besides the 12 additional on-site guest parking spaces, the project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue. With this extension, the project would be installing full public improvements along the northern portion of Hilltop Drive, thus providing additional public parking spaces within the public right-of-way.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization of the vacant lots for mixed-use development with 113 low income and very low income affordable apartment units and 47 dwelling units, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC. In addition, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

Encroachments- The buildings along Euclid Avenue includes above-grade balconies and roof eaves, and the project is required to dedicate 14 feet public right-of-way (ROW). Post-dedication, the balconies and roof eaves would be encroaching in the ROW and requires a Neighborhood Development Permit pursuant to [SDMC Section 129.0710\(a\)\(9\)](#). Post-dedication, the above-grade balconies and roof eaves would still meet the minimum eight-foot clearance height requirement, as measured from the finished grade of the curb line.

Easement Vacation- The unnamed drainage feature, located in the southeastern corner of the development site, was altered between 1953 and 1964. During this period, a portion of drainage was filled to provide access across the drainage adjacent at the eastern terminus of Hilltop Drive. To convey water under the filled area, a concrete pipe was placed in the drainage corridor and two storm drain easements were recorded to allow for the improvements. The existing storm drain will be replaced with a new storm drain system, and a new 15-foot wide storm drain easement would be recorded on the site as part of the final map. Therefore, the existing two storm drain easements would no longer be required and will be vacated as part of the vesting tentative map.

#### Conclusion:

With the approval of the requested deviations, the proposed project meets all applicable regulations and policy documents, and staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted the Encanto Neighborhoods Community Plan, SDMC, and the General Plan. In addition, the project would further the City's affordable housing goals by constructing 113 low income and very low income affordable apartment units on-site. Furthermore, the mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure and will help achieve the mode share goals of the Climate Action Plan. Therefore, staff recommends that the Planning Commission recommend City Council approval of the project.

#### ALTERNATIVES

1. Recommend the City Council ADOPT Addendum No. 560527 to Program Environmental Impact Report No. 386029/SCH No. 2014051075, and ADOPT the Mitigation, Monitoring, and Reporting Program, and APPROVE Site Development Permit No. 1976637, Neighborhood Development Permit No. 2179090, Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097, with modifications.

2. Recommend the City Council DO NOT ADOPT Addendum No. 560527 to Program Environmental Impact Report No. 386029/SCH No. 2014051075, and DO NOT ADOPT the Mitigation, Monitoring, and Reporting Program, and DENY Site Development Permit No. 1976637, Neighborhood Development Permit No. 2179090, Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Patricia J. Fitzgerald  
Assistant Deputy Director  
Development Services Department

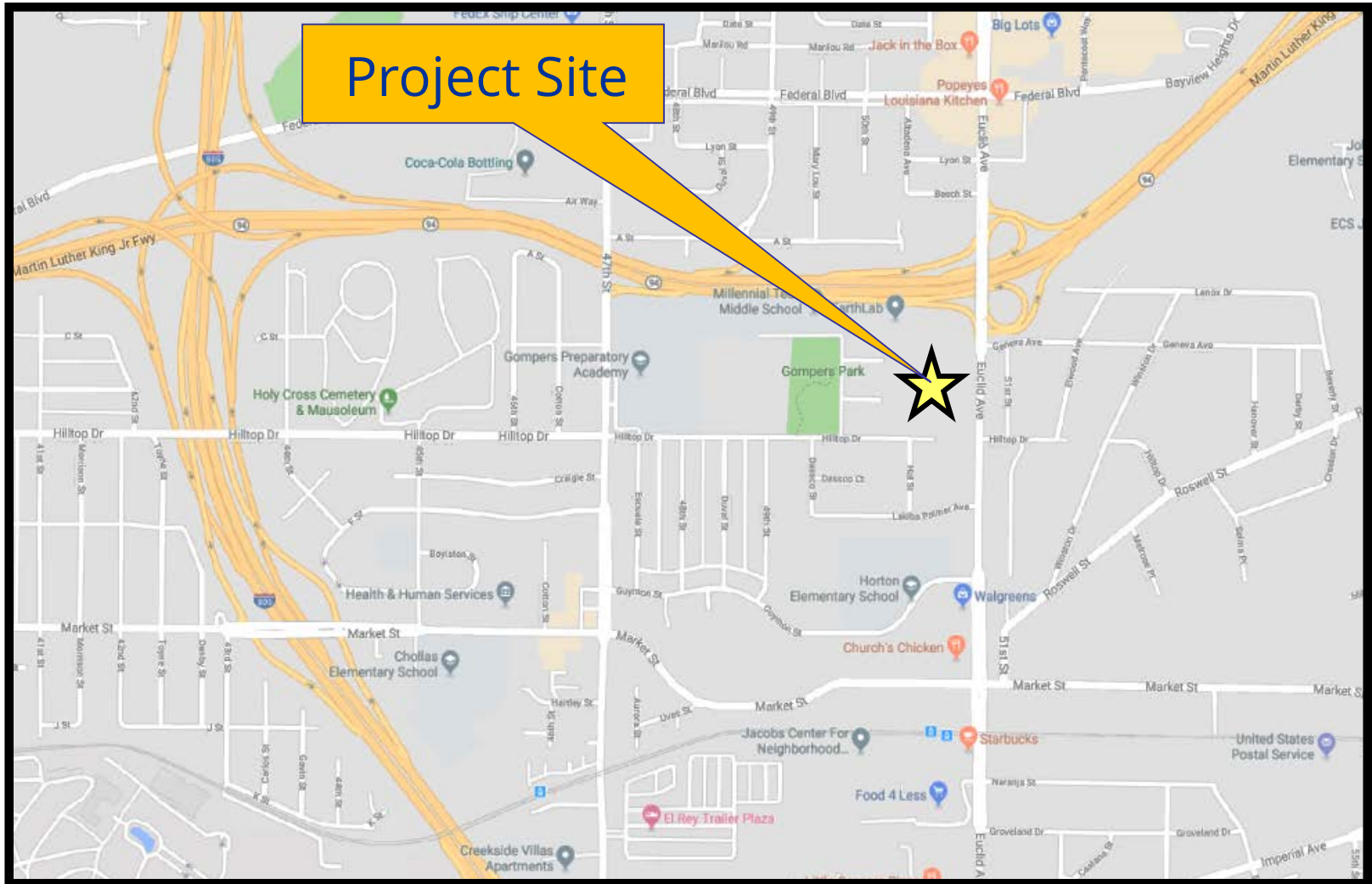


Jeffrey A. Peterson  
Development Project Manager  
Development Services Department

FITZGERALD/JAP

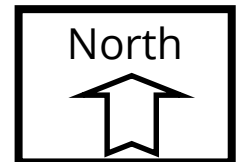
Attachments:

1. Project Location Map
2. Aerial Photograph
3. Zoning Map
4. Community Plan Land Use Map
5. Site Photographic Survey
6. Project Data Sheet
7. Draft Permit Resolution with Findings
8. Draft Permit with Conditions
9. Draft Map Resolution with Findings
10. Draft Map Conditions
11. Environmental Resolution
12. Easement Vacation Location Exhibit (Sheet C-16)
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Plans



## Location Map

**Hilltop/Euclid Mixed-Use Development -Project 560527**  
**922-1040 Euclid Avenue and 5012 Hilltop Drive**

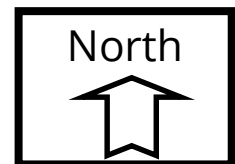






# Aerial Photograph

Hilltop/Euclid Mixed-Use Development -Project 560527  
 922-1040 Euclid Avenue and 5012 Hilltop Drive

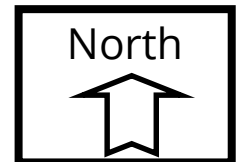






## Aerial Photograph (Enlarged View)

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive



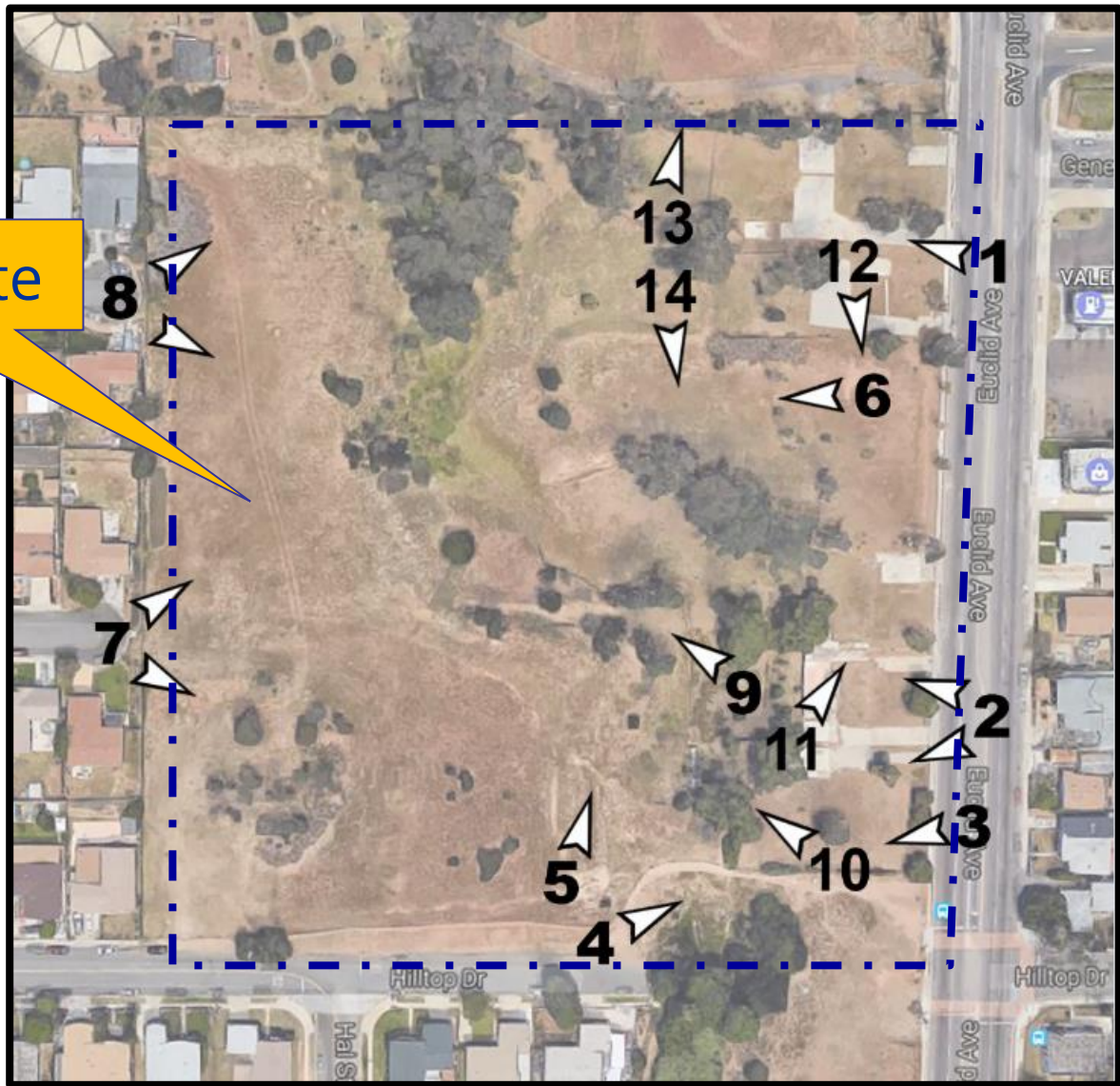








Project Site



## Site Photographic Survey Location Map

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive







## Site Photographic Survey-Photo # 1

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive



## Site Photographic Survey-Photo # 2

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 3

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive



## Site Photographic Survey-Photo # 4

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 5

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive



## Site Photographic Survey-Photo # 6

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 7

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive



## Site Photographic Survey-Photo # 8 (North)

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 8 (South)

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 9

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 10

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 11

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive



## Site Photographic Survey-Photo # 12

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 13

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





## Site Photographic Survey-Photo # 14

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive

<b>PROJECT DATA SHEET</b>																																
<b>PROJECT NAME:</b>	Hilltop/Euclid Mixed-Use Development- Project No. 560527																															
<b>PROJECT DESCRIPTION:</b>	A subdivision containing 51 lots and the construction a mix-use development containing 113 affordable apartment units over 8,485 square feet of commercial space, 20 single-family dwelling units, and 27 two-and three-story townhomes on a 9.35-acre vacant lot located at 922-1040 Euclid Avenue and 5012 Hilltop Drive																															
<b>COMMUNITY PLAN AREA:</b>	Encanto Neighborhoods																															
<b>DISCRETIONARY ACTIONS:</b>	Site Development Permit, Neighborhood Development Permit, Vesting Tentative Map and Easement Vacation																															
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Residential-Medium (15-29 dwelling du/ac) and Neighborhood Mixed Use-Medium Residential (30-44 du/ac)																															
<p style="text-align: center;"><b><u>ZONING INFORMATION:</u></b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">ZONE:</td> <td style="width: 33%;">RM-1-2</td> <td style="width: 33%;">CN-1-4</td> </tr> <tr> <td>HEIGHT LIMIT:</td> <td>30 Feet</td> <td>65 Feet</td> </tr> <tr> <td>LOT SIZE:</td> <td>6,000 Square Feet</td> <td>2,500 Square Feet</td> </tr> <tr> <td>FLOOR AREA RATIO:</td> <td>0.75</td> <td>1.0</td> </tr> <tr> <td>LOT COVERAGE:</td> <td>NA</td> <td>NA</td> </tr> <tr> <td>FRONT SETBACK:</td> <td>15 Feet Min/20 Feet Std.</td> <td>10 Feet</td> </tr> <tr> <td>SIDE SETBACK:</td> <td>5 Feet Min/8 Feet Std.</td> <td>10 Feet/0 Foot Optional</td> </tr> <tr> <td>STREETSIDE SETBACK:</td> <td>10 Feet</td> <td>10 Feet Max.</td> </tr> <tr> <td>REAR SETBACK:</td> <td>15 Feet</td> <td>10 Feet/0 Foot Optional</td> </tr> <tr> <td>PARKING:</td> <td colspan="2">2 Spaces per Dwelling Unit</td> </tr> </table>			ZONE:	RM-1-2	CN-1-4	HEIGHT LIMIT:	30 Feet	65 Feet	LOT SIZE:	6,000 Square Feet	2,500 Square Feet	FLOOR AREA RATIO:	0.75	1.0	LOT COVERAGE:	NA	NA	FRONT SETBACK:	15 Feet Min/20 Feet Std.	10 Feet	SIDE SETBACK:	5 Feet Min/8 Feet Std.	10 Feet/0 Foot Optional	STREETSIDE SETBACK:	10 Feet	10 Feet Max.	REAR SETBACK:	15 Feet	10 Feet/0 Foot Optional	PARKING:	2 Spaces per Dwelling Unit	
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<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>																														
<b>NORTH:</b>	Institutional, RS-1-1 Zone	Community Garden																														
<b>SOUTH:</b>	Residential-Low and Neighborhood Mixed Use-Medium, RS-1-6 and CN-1-4 Zones	Single Family Residential and vacant lots																														
<b>EAST:</b>	Neighborhood Mixed Use-Low, CN-1-3 Zone	Commercial, Single Family and Multi-Family Residential																														
<b>WEST:</b>	Residential-Low, RS-1-2 Zone	Single Family Residential																														
<b>DEVIATIONS</b>	Deviations for ground floor restrictions, building height, lot area, lot dimensions, setbacks, and parking.																															
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On February 26, 2018, the Chollas Valley Community Planning Group (formerly Encanto Community Planning Group) voted 5-1-4 to recommend approval of the project with no conditions.																															

CITY COUNCIL RESOLUTION NO. R- \_\_\_\_\_  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
designation is NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2179090  
FOR HILLTOP/ EUCLID MIXED-USE DEVELOPMENT PROJECT - PROJECT  
NO. 560527 [MMRP]

WHEREAS, THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner, and  
AFFIRMED HOUSING GROUP, INC., a Delaware Corporation, Permittee, filed an application with the  
City of San Diego for a Site Development Permit and Neighborhood Development Permit for the  
construction of a mix-use development containing 8,485 square feet of commercial space and 113  
apartment units that would be set aside for low income (rent that does not exceed 30 percent of 60  
percent of the area median income (AMI)) and very low income (rent that does not exceed 30  
percent of 50 percent of the AMI), 20 market-rate single-family dwelling units, and 27 market-rate  
two-and three-story townhomes units known as the Hilltop/Euclid Mixed-Use Development project,  
the 9.38-acre site is located at 932-1038 Euclid Avenue and 5012 Hilltop Drive, between Hilltop Drive  
and the 94 and west of Euclid Avenue, in the CN-1-4 and RM-1-2 Zones within the Encanto  
Neighborhood Community Plan, the Community Plan Implementation Overlay Zone-A (CPIOZ-A),  
Transit Priority Areas, and the Airport Influence Area (AIA) Review Area 2 for the San Diego  
International Airport (SDIA) as depicted in the adopted 2014 Airport Land Use Compatibility Plan  
(ALUCP). The project site is legally described within Exhibit 1, which is an attachment to Site  
Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Diego  
considered Site Development Permit No. 1976637 and Neighborhood Development Permit No.  
2179090, and pursuant to Resolution No. \_\_\_\_\_-PC voted to recommend City Council  
approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090:

**A. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]**

**1. Findings for all Site Development Permits SDMC Section 126.0505(a):**

**a. The proposed development will not adversely affect the applicable land use plan.**

The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The project site is in the CN-1-4 and RM-1-2 zones and the Community Plan Implementation Overlay Zone A (CPIOZ-A) within the Encanto Neighborhoods Community Plan area, and the Transit Priority Areas. The General Plan designates the western portion of the site as Residential and eastern portion Multiple Use. The community plan designates the western portion of the site as Residential-Medium use at 15-29 dwelling units per acres (du/ac) and the eastern portion as Neighborhood Mixed Use-Medium Residential use at 30-44 du/ac. The Neighborhood Mixed Use designation is intended to provide convenience shopping and services and housing in a mixed-use setting, as well civic uses, within generally half-mile of a Trolley stop, as well as focused locations. The project site is located approximately 1,890 feet or less than a half-mile from the Euclid Avenue Station Transit Center, which includes the San Diego Trolley stop (Orange Line) and eight bus stops (Bus Routes 3, 4, 5, 13, 60, 916, 917, and 955).



The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construction of a raised center median along the project's frontage on Euclid Avenue, and the restoration and enhancement of the drainage feature as an amenity that functions as a focal point of the site.

The project is located within the community's Village District, which is envisioned as an activity center with increased density, a mix of diverse uses that are synergistically located in close proximity to one another, and design that promotes multi-modal activity. The project contributes to the vision for the Village District through an integrated mix of residential and commercial uses, ground-floor commercial that interacts with the street, building orientation and design that enhances the pedestrian environment, and green spaces that engage users while contributing to community character.

The proposed design prioritizes connectivity throughout the site, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. The pedestrian environment is enhanced with a pedestrian bridge that allows users to engage with the restored drainage feature that runs through the site, connecting the residential component to the mixed-use component of the site. The proposed pedestrian bridge will not only increase connectivity but will enhance the drainage feature as an amenity that functions as a focal point of the site.

Euclid Avenue is identified by the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure. The project proposal's strong pedestrian focus, building orientation, and active frontage along Euclid Avenue will implement the vision for this vital corridor. Further, the Encanto Neighborhoods Community Plan references the Euclid Avenue Gateway Master Plan which recommends improvements to balance the needs of all modes of travel along the corridor, resulting in a welcoming roadway that enhances connectivity. The proposed project aims to implement this plan through the recommended continuation of Hilltop Drive, the addition of a buffered bike lane, as well as enhancements to the existing bus stop, and other streetscape improvements.

The project would implement the specific General Plan policy for Mixed-Use Villages (UD-C.2.) which recommends designing village centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points. The proposed project would provide pedestrian-friendly access points throughout the site design and integrate building orientation, façade, and landscaping that enhances the pedestrian environment.

The purpose of the General Plan's Mobility Element is to improve mobility through development of a balanced, multi-modal transportation system. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design, and a safe and comprehensive local and regional bikeway network. As previously discussed, the proposed project would increase pedestrian access and comfort by providing multiple points of access within and through the site, in addition to streetscape improvements that will improve bicycle and pedestrian access to points of interest. Therefore, for these reasons, the development would not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.**

The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two- and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construction of a raised center median along the project's frontage on Euclid Avenue, and the restoration and enhancement of the drainage feature as an amenity that functions as a focal point of the site.

The buildings along Euclid Avenue includes above-grade balconies and roof eaves, and the project is required to dedicate 14 feet public right-of-way (ROW). Post-dedication, the balconies and roof eaves would be encroaching in the ROW and requires a Neighborhood Development Permit pursuant to SDMC Section 129.0710(a)(9). Post-dedication, the above-grade balconies and roof eaves would still meet the minimum eight-foot clearance height requirement, as measured from the finished grade of the curb line.

Addendum No. 560527 to Program Environmental Impact Report (PEIR) No. 386029/SCH No. 2014051075 prepared for the Southeastern San Diego Community Plan and Encanto Neighborhoods Community Plan updates has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of

the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Site Development Permit (SDP) No. 1976637 and Neighborhood Development Permit (NDP) No. 2179090, and other regulations and guidelines pertaining to the subject property per the SDMC for the project site. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/ permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construction of a raised center median along the project's frontage on Euclid Avenue, and the restoration and enhancement of the drainage feature as an amenity that functions as a focal point of the site.

The buildings along Euclid Avenue includes above-grade balconies and roof eaves, and the project is required to dedicate 14 feet public right-of-way (ROW). Post-dedication, the balconies and roof eaves would be encroaching in the ROW and requires a Neighborhood Development Permit pursuant to SDMC Section 129.0710(a)(9). Post-dedication, the above-grade balconies and roof eaves would still meet the minimum eight-foot clearance height requirement, as measured from the finished grade of the curb line.

The proposed development includes on-site affordable housing units and qualifies as an affordable housing development pursuant to SDMC Chapter 14, Article 3, Division 9-Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations. An applicant may request deviations from the applicable development regulations in accordance with SDMC Section 143.0920 pursuant to a Neighborhood Development Permit decided in accordance with Process Two provided that the findings are made and the deviation results in a more desirable project. The following are the proposed deviations and justification for each of the requested deviation:

1. A deviation from SDMC Section 131.0540(c)(1) - Ground Floor Restrictions, to allow residential use and residential parking within the front half of Lot 51 for Building A, measured from Hilltop Drive, where residential use and residential parking is prohibited on the ground floor in the front half of the lot.

Lot 51 contains the proposed mix-use development and has frontage along Hilltop Drive and Euclid Avenue, and the front yard setback for this lot is along Hilltop Drive. The northern portion of the ground floor of Building A contains the lobby area, laundry facilities, and the lounge area for the residential units above, and a few of the residential parking spaces are located on the northwestern side of the building's parking lot, north of Private Drive D. The residential use is located approximate 173 feet from Hilltop Drive.

Euclid Avenue is identified by the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure. The proposed design prioritizes connectivity throughout the site and building orientation adjacent to Euclid Avenue, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. However, due to the constraints of the natural land forms, and the restoration and enhancement of the drainage feature, the site is limited on the placement of the uses and access to the residential units. The project proposal to include a small portion of the residential uses within front yard setback further enhances the strong pedestrian focus and active frontage toward and along Euclid Avenue, which further implements the vision for this vital corridor.

2. A deviation from SDMC Section 131.0444(e) and Table 131-04G - Building Height, to allow for a 36-foot building height for a portion of Building C that is in the RM-1-2 zone and a 35-foot building height for the three-story townhomes, where the RM-1-2 zone permits a maximum height of 30 feet.

Approximately one-third of Building C is located in the RM-1-2 zone which has a maximum allowed height of 30 feet and the remaining portions of the building is located within the CN-1-4 zone which has a maximum allowed height of 60 feet. Building C has a proposed 36-foot building height and the requested six-foot height deviation is to allow for the uniformity in the building structure and access to the floors. Without the deviation, the project would loss three low income and very low income affordable apartment units on the third floor. This portion of the building is located within the interior portion of Lot 51 and is separated from the single-family dwelling units by the restored and enhanced drainage feature, and would have no visual impacts from the public right-of-way or the adjacent properties.

In addition, the townhomes are located within the RM-1-2 zone which has a maximum allowed height of 30 feet. The three-story townhomes have a proposed 35-foot building height to allow for a pitched roof for Lots 7-12 and Lots 36-42. This roof design matches the other two-story townhomes and single-family dwelling units, and distinguishes them from the mix-use development. The three-story townhomes lots are located within the interior portion of the subdivision and



adjacent to the restored and enhanced drainage feature. The location of these units provides for a visual differential from the higher mixed-use development to the east and the two-story townhomes and single-family dwelling units that are on the perimeter along Hilltop Drive and the western property line.

3. A deviation from SDMC Table 131-04G - Minimum Lot Area, to allow for reduced minimum lot area for the single-family dwelling units (2,170- through 3,431-square-foot lots) and townhomes lots (987- through 1,197-square-foot lots), where a minimum 6,000 square feet is required for each lot within the RM-1-2 zone.

The 6,000-square foot minimum lot standard for the RM-1-2 zone was intended to accommodate lower density multiple dwelling units with some characteristics of single dwelling units, at a density of one dwelling unit for each 2,500 square feet of lot area. The proposal is for single dwelling unit development, which allows a maximum of one dwelling unit per lot. As such, the smaller lots proposed within the single dwelling unit portion of the project site will be appropriate for the detached single-family dwelling units and single-family townhome-style development. The detached single-family dwelling units and townhomes will be accessed by private drives, pedestrian paths, and surrounded by HOA-maintained common lots. In addition, the reduced lot sizes will provide a space-efficient and economical alternative to traditional single dwelling unit development. Each of the residential lots contain a small private exterior useable space, while the areas outside to the private lots would be maintained by the HOA. It is also the intent of the project to provide a pedestrian-friendly development that is consistent with the surrounding neighborhood character. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

4. A deviation from SDMC Table 131-04G - Minimum Lot Dimensions, to allow for reduced minimum lot dimensions for the single-family dwelling units and townhomes lots, where a minimum 50-foot width, 90-foot depth, and a 50-foot street frontage is required for each lot within the RM-1-2 zone.

The minimum 50-foot width, 90-foot depth, and 50-foot street frontage requirements for lots in the RM-1-2 zone were intended to accommodate lower density multiple dwelling units with some characteristics of single-family dwelling units, with access directly from a public right-of-way. The deviation to street frontage will allow for a more efficient use of land by allowing all single-family dwelling units to be accessed by private drives in lieu of a public street. The deviations to lot width and depth will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development,

where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

5. A deviation from SDMC Section 131.0443 (d) and Table 131-04G - Setback Requirements in Residential Zones, to allow for reduced minimum setbacks for the single-family dwelling units and townhomes lots, where a minimum 15 feet and 20 feet standard is required for the front yard setback, a minimum 5 feet and 8 feet standard is required for the side yard setback, and a minimum 15 feet is required for the rear yard setback (no alley) in the RM-1-2 zone.

Although horizontal separation between interior buildings will be reduced below the underlying zone requirement, the comprehensive development will observe setbacks from the abutting public right-of-way and from adjacent properties consistent with and exceeding those of the underlying zone. HOA-maintained common Lot 48 will provide a 20-foot separation between the proposed single dwelling units and the Hilltop Drive right-of-way, consistent with the RM-1-2 standard front yard setback requirement of 20-feet. Common Lot 48 will provide a 10-foot separation between the proposed single dwelling units and the existing single-family neighborhood to the west, which exceeds the RM-1-2 side setback allowance of five feet along one side of the property. Common Lot 48 will also provide a 15-foot separation between the proposed single dwelling units and the San Diego Unified School District property to the north, consistent with the RM-1-2 rear yard setback requirement of 15-feet.

The setback deviations will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development, where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

6. A deviation from SDMC Section 142.0525(d) - Minimum Required Parking Without a 20-foot Driveway, to not require one additional parking space for the townhome lots containing a seven-foot long driveway, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, where the regulation requires one additional parking space for each townhome since the driveways are less than 20 feet.

One of the purposes of the requirement for a 20-foot driveway depth is to allow parking on a driveway without encroachment into the public right-of-way and impeding public pedestrian circulation. Vehicular access to all single dwelling unit properties will be from private drives and not directly from the public right-of-way. All single dwelling unit properties have pedestrian access separated from the vehicular access and the private drives will serve the vehicles.

Another purpose of the 20-foot driveway depth is to accommodate additional parking. Besides the 12 additional on-site guest parking spaces, the project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue. With this extension, the project would be installing full public improvements along the northern portion of Hilltop Drive, thus providing additional public parking spaces within the public right-of-way.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing commercial lot for residential use, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Land Development Code (LDC). In addition, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities by constructing 113 low income and very low income affordable apartment units on-site.

**2. Supplemental Findings SDMC Section 126.0505(b) – Environmentally Sensitive Lands:**

**a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The topography of the project site is varied, consisting of a flat mesa and a ravine area that is bisected by a small unnamed drainage feature. The project site and drainage does not provide suitable habitat to support special-status plant or wildlife species and has minimal function or value as sensitive habitat. Nonetheless, the drainage is subject to the jurisdiction of the state and federal regulatory agencies. Any proposed development in areas identified as jurisdictional waters will be subject to the permit requirements of the USACE, under Section 404 of the Clean Water Act (CWA), Regional Water Quality Control Board (RWQC) under Section 401 of the CWA and Porter-Cologne Water Quality Act and a SAA from California Department of Fish and Wildlife (CDFW) pursuant to Section 1600 et. seq. of the California Fish and Game Code (CFGF). The unnamed drainage contains approximately 0.13 acre of arundo (*Arundo donax*)-dominated riparian habitat subject to the jurisdiction of CDFW but is not considered a City wetland. The drainage would be graded,



recontoured, enhanced and restored to maintain water conveyance and improve habitat function.

The site is located within the boundaries of the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan but is not within a Multi-Habitat Planning Area (MHPA) or the Coastal Zone. The project would not result in significant impacts to special-status plant or wildlife species, including MSCP covered species and narrow endemic species. The project will directly impact two sensitive vegetation communities; coastal sage scrub and non-native grassland. To offset project impacts to Diegan coastal sage scrub and non-native grassland, approximately 1.07 acres of ecologically valuable habitat will be mitigated offsite through payment into the City of San Diego's Habitat Acquisition Fund (Fund #10571).

The drainage contains approximately 0.07 acre of non-wetland waters potentially subject to the jurisdiction of the USACE and RWQCB. CDFW jurisdictional limits of the on-site drainage were delineated at the outer edge of stream- dependent vegetation. The unnamed drainage contains approximately 0.52 acre of streambed and stream-associated habitat subject to the jurisdiction of CDFW. The unnamed drainage does not qualify as a City wetland because it was not historically a naturally occurring wetland and has only accumulated invasive hydrophytic vegetation as a result of past human disturbance. The project applicant will pursue project specific permits issued by the resource agencies for impacts to resources associated with the drainage.

The drainage could possibly be used as a local wildlife travel route for common species. However, the habitat onsite has been reduced to small, fragmented, and low-quality stands with limited to no access to any substantial habitat within the project site and immediate vicinity. Therefore, the project site does not contain areas important for wildlife movement.

The proposed single-family dwelling units and townhomes portion of the project would be constructed on the flat mesa that is west of the drainage feature, and the mixed-use development would be constructed on the flat mesa that is east of the drainage feature. As stated above, the drainage feature would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function. Based on the foregoing analysis and information, the site is physically suitable for the design and siting of the proposed development and the development would be mitigated offsite for the disturbance to environmentally sensitive lands.

**b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed single-family dwelling units and townhomes portion of the project would be constructed on the flat mesa that is west of the drainage feature, and the mixed-use development would be constructed on the flat mesa that is east of the

drainage feature. As outlined in SDP Finding (A)(2)(a) listed above, the drainage feature would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function.

The project site is located within geologic hazard zone 52 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk. The project site is located above the 100-year floodplain. The on-site graded area would be 404,594 square feet. Off-site improvements would require grading approximately 16,940 square feet. Cut and fill quantities would be approximately 35,900 cubic yards. All material would be balanced on-site. The maximum height of fill slopes would be 22 feet at a 2:1 ratio. The maximum height of the cut slopes would be 8 feet at a 2: 1 ratio.

Further, the project site is bordered immediately by Euclid Avenue and commercial and residential uses to the east, residential uses to the west, commercial uses to the north, and by both Hilltop Drive (as well as a portion that is a paper street) and residential uses to the south. The project site is situated in an area currently served by existing public services and utilities, including fire services. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The proposed single-family dwelling units and townhomes portion of the project would be constructed on the flat mesa that is west of the drainage feature, and the mixed-use development would be constructed on the flat mesa that is east of the drainage feature. As outlined in SDP Finding (A)(2)(a) listed above, the drainage feature would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function.

The site is within an urbanized area and contains some site improvements, such as concrete slabs and six driveways, the majority of the site contains a mixture of nonnative and native vegetation with disturbed and ornamental areas containing patches of eucalyptus woodland and disturbed coastal sage scrub, non-native grassland, and an unnamed ephemeral drainage feature with a small patch of arundo. The project would be consistent with the requirements of the Environmentally Sensitive Regulations as well as the Biology Guidelines. The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. The project would not conflict with the City's MSCP, in that the site is not located within or adjacent to the MHPA.

**d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).**

The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The site is located within the boundaries of the City of San Diego's MSCP Subarea Plan but is not within the MHPA or the Coastal Overlay Zone. The project would not result in significant impacts to special-status plant or wildlife species, including MSCP covered species and narrow endemic species. The project will directly impact two sensitive vegetation communities; coastal sage scrub and non-native grassland. To offset project impacts to Diegan coastal sage scrub and non-native grassland, approximately 1.07 acres of ecologically valuable habitat will be mitigated offsite through payment into the City of San Diego's Habitat Acquisition Fund (Fund #10571). The project site does not contain any vernal pools and not subject to the Vernal Pool Habitat Conservation Plan (VPHCP).

- e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The project site is located approximately 3.5-miles from the San Diego Bay, and would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

- f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

Addendum No. 560527 to PEIR No. 386029/SCH No. 2014051075 prepared for the Southeastern San Diego Community Plan and Encanto Neighborhoods Community Plan updates has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project.

**B. NEIGHBORHOOD DEVELOPMENT PERMIT [SDMC Section 126.0404]**

**1. Findings for all Neighborhood Development Permits SDMC Section 126.0404(a)::**

- a. The proposed development will not adversely affect the applicable land use plan.**

As outlined in SDP Finding (A)(1)(a) listed above, the project is consistent with the goals, objectives, and proposals of the Encanto Neighborhoods Community Plan and



the General Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.**

As outlined in SDP Finding (A)(1)(b) listed above, the permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.

**c. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As outlined in SDP Findings (A)(1)(c) listed above, the project includes deviations to the ground floor restrictions, building height, minimum lot area, minimum lot dimensions, setbacks, and minimum required parking without a 20-foot driveway. Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing vacant lot as a mixed-use development, while meeting the purpose and intent of the development regulations. The project would further the City's affordable housing goals by constructing 113 low income and very low income affordable apartment units on-site.

**2. Supplemental Findings SDMC Section 126.0404(f) – Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation:**

**a. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities.**

As outlined in SDP Findings (A)(1)(a) listed above, the project is consistent with the goals, objectives, and proposals of the the Encanto Neighborhoods Community Plan and the General Plan. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities by constructing 113 low income and very low income affordable apartment units on-site.

**b. Any proposed deviations are appropriate for the proposed location.**

As outlined in SDP Findings (A)(1)(c) listed above, the project includes deviations to the ground floor restrictions, building height, minimum lot area, minimum lot dimensions, setbacks, and minimum required parking without a 20-foot driveway. Each of the requested deviations has been reviewed as they relate to the proposed

design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing vacant lot as a mixed-use development, while meeting the purpose and intent of the development regulations. The project would further the City's affordable housing goals by constructing 113 low income and very low income affordable apartment units on-site.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090 is granted to THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner, and AFFIRMED HOUSING GROUP, INC., a Delaware Corporation, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

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DCA Name

Deputy City Attorney

XXX:xxx

Insert Date

Or.Dept:DSD

Doc. No.: xxxxxxxx

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

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

INTERNAL ORDER NUMBER: 24007367

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1976637

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2179090

**HILLTOP/EUCLID MIXED-USE DEVELOPMENT PROJECT - PROJECT NO. 560527 [MMRP]**  
CITY COUNCIL

This Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090 is granted by the City Council of the City of San Diego to THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner, and AFFIRMED HOUSING GROUP, INC., a Delaware Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0505 and 126.0404. The 9.35-acre site is located at 932-1038 Euclid Avenue and 5012 Hilltop Drive, between Hilltop Drive and the 94 and west of Euclid Avenue, in the CN-1-4 and RM-1-2 Zones within the Encanto Neighborhood Community Plan, the Community Plan Implementation Overlay Zone-A (CPIOZ-A), Transit Priority Areas, and the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) as depicted in the adopted 2014 Airport Land Use Compatibility Plan (ALUCP). The project site is legally described within attached Exhibit 1;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for the construction a mix-use development containing 8,485 square feet of commercial space and 113 apartment units, 20 market-rate single-family dwelling units, and 27 market-rate two-and three-story townhomes described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, 2018, on file in the Development Services Department.

The project shall include:

- a. Construction of a mix-use development containing 8,485 square feet of commercial space and 113 apartment units that would be set aside for low income (rent that does not exceed 30 percent of 60 percent of the area median income (AMI)) and very low income (rent that does not exceed 30 percent of 50 percent of the AMI), 20 market-rate single-family dwelling units, and 27 market-rate two-and three-story townhomes on a 9.38-acre vacant lot;
- b. Deviations from the SDMC:



1. A deviation from SDMC Section 131.0540(c)(1) - Ground Floor Restrictions, to allow residential use and residential parking within the front half of Lot 51 for Building A, measured from Hilltop Drive, where residential use and residential parking is prohibited on the ground floor in the front half of the lot;
  2. A deviation from SDMC Section 131.0444(e) and Table 131-04G - Building Height, to allow for a 36-foot building height for a portion of Building C that is in the RM-1-2 zone and a 35-foot building height for the three-story townhomes, where the RM-1-2 zone permits a maximum height of 30 feet;
  3. A deviation from SDMC Table 131-04G - Minimum Lot Area, to allow for reduced minimum lot area for the single-family dwelling units (2,170- through 3,431-square - foot lots) and townhomes lots (987- through 1,1971-square-foot lots); where a minimum 6,000 square feet is required for each lot within the RM-1-2 zone;
  4. A deviation from SDMC Table 131-04G - Minimum Lot Dimensions, to allow for reduced minimum lot dimensions for the single-family dwelling units and townhomes lots; where a minimum 50-foot Width, 90-foot Depth, and a 50-foot street frontage is required for each lot within the RM-1-2 zone;
  5. A deviation from SDMC Section 131.0443 (d) and Table 131-04G - Setback Requirements in Residential Zones, to allow for reduced minimum setbacks for the single-family dwelling units and townhomes lots; where a minimum 15 feet and 20 feet standard is required for the front setback, a minimum 5 feet and 8 feet standard is required for the side setback, and a minimum 15 feet is required for the rear setback (no alley);
  6. A deviation from SDMC Section 142.0525(d)- Minimum Required Parking Without a 20-foot Driveway, to not require one additional parking space for the townhomes lots containing a seven-foot long driveway, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A; where the regulation requires one additional parking space for each townhome since the driveways are less than 20 feet.
- c. Encroachment within the public right-of-way (ROW) to allow for above-grade balcony and roof eave (post-dedication) along Euclid Avenue pursuant to SDMC Section 129.0710(a)(9);
  - d. Landscaping (planting, irrigation and landscape related improvements);
  - e. Off-street parking;
  - f. The project would include various recreational amenities including a community swimming pool, basketball court, gardening space, community room, outdoor gathering areas, and a pedestrian plaza; and
  - g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by \_\_\_\_\_.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Permittee shall secure all necessary building permits. The Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the 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 Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The 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 Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the 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, 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 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 Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

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

13. The mitigation measures specified in the MMRP and outlined in Addendum No. 560527 to Program Environmental Impact Report No. 386029/SCH No. 2014051075, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.



14. The Permittee shall comply with the MMRP as specified in Addendum No. 560527 to Program Environmental Impact Report (PEIR) No. 386029/SCH No. 2014051075, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Noise
- Transportation/Circulation
- Biological Resources
- Paleontological Resources

**CLIMATE ACTION PLAN REQUIREMENTS:**

15. Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**AFFORDABLE HOUSING REQUIREMENTS:**

16. Provide evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") approved by the City Council of the City of San Diego, demonstrating that the Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.1303(g) because the Permittee is voluntarily pursuing and receiving tax credits, multifamily housing bonds, below market interest rate government agency loans, and/or grants to facilitate the construction of the development.

17. Prior to issuance of the first residential building permit, the Permittee shall enter into a written exemption agreement with the San Diego Housing Commission demonstrating that the project is exempt from the payment of the Inclusionary Affordable Housing Fee as set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual, which are acceptable to the San Diego Housing Commission.

**AIRPORT REQUIREMENTS:**

18. Prior to the issuance of any building permits, the Permittee shall provide a copy of the signed No FAA Notification Self-Certification Agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

**GEOLOGY REQUIREMENTS:**

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

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

**ENGINEERING REQUIREMENTS:**

21. This Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090 shall comply with all Conditions of the Final Map for the Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097.

22. Prior to the issuance of any building permits, the Permittee shall grant the City of San Diego a five-foot Public Pedestrian Access Easement to accommodate a current State Accessibility Compliant path of travel and current City Standards as shown on the approved Exhibit "A," satisfactory to the City Engineer.

23. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the closure of the non-utilized driveways adjacent to site on Euclid Avenue with current City Standard curb, gutter and sidewalk, satisfactory to the City Engineer.

24. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the construction of a new 26-foot driveway per current City Standards, adjacent to the site on Euclid Avenue, satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the construction of a new bus stop slab per current City Standards, adjacent to the site on Euclid Avenue, satisfactory to the City Engineer.

26. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the construction of two new driveways, 26 feet and 30 feet as shown on the approved Exhibit "A," per current City Standards, adjacent to the site on Hilltop Drive, satisfactory to the City Engineer.

27. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

28. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
29. Prior to the issuance of any building permits, the Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
30. The drainage system for this project will be subject to approval by the City Engineer.
31. Prior to the issuance of any construction permit, the Permittee shall obtain a recorded City of San Diego Public Storm Drain Easements for all public storm drains located on private properties satisfactory to the City Engineer.
32. Prior to the issuance of any construction permit, the Permittee shall assure, by permit and bond, the construction of the Public Storm Drain system as shown on the approved Exhibit "A," satisfactory to the City Engineer.
33. Prior to the recordation of the Vacation Exhibit for the existing non-utilized public storm drain easement, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
34. Prior to the issuance of any building permits, the Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for landscape and irrigation in Euclid Avenue and Hilltop Drive right-of-way.
35. Prior to the issuance of any building permits, the Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all private connections to public storm drain systems.
36. Prior to the issuance of any building permits, the Permittee shall obtain an Encroachment Maintenance Agreement, from the City Engineer, for the projecting balconies in the Euclid Avenue Right-of-Way.
37. Prior to the issuance of any building permit, the Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of public drainage entering into the property from the Right-of-Way.
38. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.



39. Prior to the issuance of any construction permit, the Permittee shall submit a Technical report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
40. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
41. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
42. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009DWQ and a copy shall be submitted to the City.

### **LANDSCAPE REQUIREMENTS:**

43. Prior to issuance of any engineering permits for grading, the Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
44. Prior to issuance of any engineering permits for right-of-way improvements, the Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
45. Prior to issuance of any construction permits for structures (including shell), the Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(5).

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

47. The Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

48. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy or Final Inspection.

### **PLANNING/DESIGN REQUIREMENTS:**

49. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

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

51. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

### **TRANSPORTATION REQUIREMENTS**

52. No fewer than 235 automobile parking spaces shall be provided on-site in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

53. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the construction of the extension of Hilltop Drive from the existing eastern terminus to Euclid Avenue as a two-lane collector with 40 feet curb to curb width including a standard height curb, gutter and a non-contiguous sidewalk within 60 feet of right-way, satisfactory to the City Engineer.

54. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the modification of the existing traffic signal at the intersection of Euclid Avenue and Hilltop Drive to accommodate the western leg of the intersection, satisfactory to the City Engineer.
55. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the construction of a raised center median along the project's frontage on Euclid Avenue between SR-94 EB Ramps and Hilltop Drive and install a southbound buffered bike lane by dedicating and widening of Euclid Avenue along the project's frontage with adequate signage and pavement restriping, satisfactory to the City Engineer.
56. Prior to issuance of any building permit, the Permittee shall assure by permit and bond the construction of Private Drive A on Hilltop Drive and Hal Street to form the northern leg of the intersection. The intersection will be modified to "Two-Way Stop" control for the north and south legs, satisfactory to the City Engineer.
57. Prior to issuance of any building permit, the Permittee shall dedicate 14 feet of right-of-way and assure by permit and bond the construction of a non-contiguous sidewalk along the project's frontage on Euclid Avenue, satisfactory to the City Engineer.
58. Prior to issuance of any building permit, the Permittee shall construct two curb ramps at the northwest and southwest corners of the intersection of Euclid Avenue and Hilltop Drive, satisfactory to the City Engineer.
59. The Permittee shall provide and maintain 10 feet x 10 feet visibility triangle area measured along the property line on each side of the driveways on Euclid Avenue and Hilltop Drive. No obstruction higher than 36 inches shall be located within the visibility area (e.g. shrub, landscape, hardscape, walls, columns, signs etc.).
60. The Permittee shall provide and maintain 25 feet x 25 feet visibility triangle area measured along the property line at the northwest corner of Euclid Avenue and Hilltop Drive. No obstruction higher than 36 inches shall be located within the visibility area (e.g. shrub, landscape, hardscape, walls, columns, signs etc.).

### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

61. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
62. Prior to the issuance of any building permits, the Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

63. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten (10) feet of any sewer facilities and five (5) feet of any water facilities.

64. The Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_ and  
Resolution No. \_\_\_\_\_.



**ATTACHMENT 8**

Permit Type/PTS Approval No.: SDP No. 1976637 and  
NDP No. 2179090

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Jeffrey A. Peterson  
Development Project Manager

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

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**The undersigned Permittee**, by execution hereof, agrees to each and every condition of this Permit  
and promises to perform each and every obligation of Permittee hereunder.

**THE CITY OF SAN DIEGO,  
a California Municipal Corporation**  
Owner

By \_\_\_\_\_

Name:

Title:

**AFFIRMED HOUSING GROUP, INC.,  
a Delaware Corporation**  
Permittee

By \_\_\_\_\_

Name:

Title:

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

EXHIBIT 1

LEGAL DESCRIPTION

APN 542-480-03; 10 and 12

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF THAT PORTION OF RANCHO MISSION OF SAN DIEGO COMMONLY KNOWN AS HORTON'S PURCHASE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING FROM SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EASTERLY 30.00 FEET OF SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST, 13.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST, 165.89 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 DISTANT THEREON SOUTH 89° 58' 11" WEST 16.00 FEET FROM THE INTERSECTION OF SAID SOUTHERLY LINE OF THE EASTERLY 30 FEET OF SAID LOT 29.

ALSO EXCEPTING FROM THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THE EASTERLY 190.00 FEET OF THE NORTHERLY 250.00 FEET THEREOF.

AND ALSO EXCEPTING FROM THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE EASTERLY 40.00 FEET OF SAID LOT 29 WITH THE SOUTHERLY LINE OF NORTHERLY 250.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET SOUTH 89° 58' 11" WEST 9.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST 81.78 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 29 DISTANT THEREON SOUTH 89° 58' 11" WEST 10.01 FEET FROM THE WESTERLY LINE OF THE EASTERLY 40.00 FEET OF SAID LOT 29.

APN 542-480-09

PARCEL 1:

THE EASTERLY 190.00 FEET OF THE SOUTHERLY 75.00 OF THE NORTHERLY 150.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF HORTON'S PURCHASE OF THE EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF

## ATTACHMENT 8

CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM, THAT PORTION LYING EASTERLY OF THE WESTERLY LINE OF LAND DESCRIBED IN DEED TO THE CITY OF SAN DIEGO, RECORDER APRIL 24, 1963 AS INSTRUMENT NO. 70108 OF OFFICIAL RECORDS, SAID WESTERLY LINE OF BEING DESCRIBED AS, FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF THE HEREINABOVE DESCRIBED LAND; THENCE ALONG THE NORTHERLY LINE OF SAID LAND, SOUTH 89° 58' 11" WEST 6.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST 75.01 FEET TO A POINT ON THE SOUTHERLY LINE OF THE HEREINABOVE DESCRIBED LAND; DISTANT THEREON SOUTH 89° 58' 11" WEST 7.81 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID LAND.

APN 542-480-14

THE NORTH 75 FEET OF THE EAST 190 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, OF HORTON'S PURCHASE IN EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST 6.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 75.01 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTHERLY 75.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEIRON SOUTH 89° 58' 11" WEST 6.91 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID NORTHERLY 75.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTHERLY 75.00 FEET, NORTH 89° 58' 11" EAST 6.91 FEET TO SAID SOUTHWEST CORNER OF SAID EASTERLY 40.00 FEET; THENCE ALONG THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET, NORTH 00° 01' 49" WEST 75 .00 FEET TO THE POINT OF BEGINNING.

APN 542-480-16

THE SOUTH 100.00 FEET OF THE NORTH 250.00 FEET OF THE EAST 190.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, OF EX-MISSION LANDS OF SAN DIEGO IN HORTON'S PURCHASE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM THAT-PORTION DESCRIBED AS FOLLOWS:

## ATTACHMENT 8

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTHERLY 100.00 FEET OF THE NORTHERLY 250.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 100.00 FEET OF THE NORTHERLY 250.00 FEET, SOUTH 89° 58' 11" WEST 7.81 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 100.01 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 9.02 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID NORTHERLY 250.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET, NORTH 89° 58' 11" EAST 9.02 FEET TO SAID SOUTHWEST CORNER OF SAID EASTERLY 40.00 FEET THENCE ALONG THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET, NORTH 00° 01' 49" WEST, 100.00 FEET TO THE POINT OF BEGINNING.

APN 542-480-18

THE SOUTHERN 66.00 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF HORTON'S PURCHASE IN THE EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 9, 1878.

EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 30.00 FEET OF SAID SOUTHERLY 66.00 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 66.00 FEET, SOUTH 89° 58' 11" WEST 13.20 FEET TO THE TRUE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED; THENCE LEAVING SAID NORTHERLY LINE SOUTH 00° 39' 45" WEST 66.00 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 13.99 FEET FROM THE SOUTHWEST CORNER OF SAID EASTERLY 30.00 FEET OF SAID SOUTHERLY 66.00 FEET OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER.

APN 542-480-20

THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, EXCEPTING THEREFROM THE SOUTHERLY 66 FEET OF HORTON'S PURCHASE IN EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 9, 1878.

ALSO EXCEPTING THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTHEAST QUARTER OF SAID LOT; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST 2.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 99.01 FEET TO A POINT IN THE NORTHERLY LINE OF THE SOUTHERLY 66.00 FEET OF SAID NORTH HALF OF THE NORTH HALF



## **ATTACHMENT 8**

OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 3.20 FEET FROM THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET OF SAID SOUTHEAST QUARTER.

RESOLUTION NUMBER R- \_\_\_\_\_  
DATE OF FINAL PASSAGE ON \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.  
1976638 AND EASEMENT VACATION NO. 2001097 FOR  
HILLTOP/EUCLID MIXED-USE DEVELOPMENT PROJECT -  
PROJECT NO. 560527 [MMRP]

WHEREAS, THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner, and  
AFFIRMED HOUSING GROUP, INC., a Delaware Corporation, Subdivider, and PROJECT DESIGN  
CONSULTANTS, Engineer, submitted an application to the City of San Diego for a vesting tentative  
map (Vesting Tentative Map No. 1976638) and easement vacation (Easement Vacation No. 2001097)  
for the Hilltop/Euclid Mixed-Use Development project (Project). The 9.385-acre site is located at 932-  
1038 Euclid Avenue and 5012 Hilltop Drive, between Hilltop Drive and the 94 and west of Euclid  
Avenue, in the CN-1-4 and RM-1-2 Zones within the Encanto Neighborhood Community Plan, the  
Community Plan Implementation Overlay Zone-A (CPIOZ-A), Transit Priority Areas, and the Airport  
Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) as depicted in the  
adopted 2014 Airport Land Use Compatibility Plan (ALUCP). The project site is legally described  
within Exhibit 1; and

WHEREAS, the Map proposes the Subdivision of a 9.38-acre site into 47 residential lots, 3  
Homeowner Association (HOA) lots, and 1 commercial lot; and

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 San Diego Municipal Code section 144.0220; and

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 47; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097, and pursuant to Resolution No. \_\_\_\_\_, the Planning Commission voted to recommend City Council approval of the map; and

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

WHEREAS, on \_\_\_\_\_, the City Council of the City of San Diego considered Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097, and pursuant to San Diego Municipal Code Section(s) 125.0440, 125.1040, 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 City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1976638:

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

The 9.38-acre vacant project site is located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, on the northeastern corner of Hilltop Drive and Euclid Avenue. The project site is in the CN-1-4 and

RM-1-2 zones and the Community Plan Implementation Overlay Zone A (CPIOZ-A) within the Encanto Neighborhoods Community Plan area, and the Transit Priority Areas. The General Plan designates the western portion of the site as Residential and eastern portion Multiple Use. The community plan designates the western portion of the site as Residential-Medium use at 15-29 dwelling units per acres (du/ac) and the eastern portion as Neighborhood Mixed Use-Medium Residential use at 30-44 du/ac. The Neighborhood Mixed Use designation is intended to provide convenience shopping and services and housing in a mixed-use setting, as well civic uses, within generally half-mile of a Trolley stop, as well as focused locations. The project site is located approximately 1,890 feet or less than a half-mile from the Euclid Avenue Station Transit Center, which includes the San Diego Trolley stop (Orange Line) and eight bus stops (Bus Routes 3, 4, 5, 13, 60, 916, 917, and 955).

The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construction of a raised center median along the project's frontage on Euclid Avenue, and the restoration and enhancement of the drainage feature as an amenity that functions as a focal point of the site.

The project is located within the community's Village District, which is envisioned as an activity center with increased density, a mix of diverse uses that are synergistically located in close proximity to one another, and design that promotes multi-modal activity. The project contributes to the vision for the Village District through an integrated mix of residential and commercial uses, ground-floor commercial that interacts with the street, building orientation and design that enhances the pedestrian environment, and green spaces that engage users while contributing to community character.

The proposed design prioritizes connectivity throughout the site, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. The pedestrian environment is enhanced with a pedestrian bridge that allows users to engage with the restored drainage feature that runs through the site, connecting the residential component to the mixed-use component of the site. The proposed pedestrian bridge will not only increase connectivity but will enhance the drainage feature as an amenity that functions as a focal point of the site.

Euclid Avenue is identified by the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure. The project proposal's strong pedestrian focus, building orientation, and active frontage along Euclid Avenue will implement the vision for this vital corridor. Further, the Encanto Neighborhoods Community Plan references the Euclid Avenue Gateway Master Plan which recommends improvements to balance the needs of all modes of travel along the corridor, resulting in a welcoming roadway that enhances connectivity. The proposed project aims to implement this plan through the recommended continuation of Hilltop Drive, the addition of a buffered bike lane, as well as enhancements to the existing bus stop, and other streetscape improvements.



The project would implement the specific General Plan policy for Mixed-Use Villages (UD-C.2.) which recommends designing village centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points. The proposed project would provide pedestrian-friendly access points throughout the site design and integrate building orientation, façade, and landscaping that enhances the pedestrian environment.

The purpose of the General Plan's Mobility Element is to improve mobility through development of a balanced, multi-modal transportation system. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design, and a safe and comprehensive local and regional bikeway network. As previously discussed, the proposed project would increase pedestrian access and comfort by providing multiple points of access within and through the site, in addition to streetscape improvements that will improve bicycle and pedestrian access to points of interest. Therefore, for these reasons, the proposed subdivision design and improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

**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 project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three Homeowner Association (HOA) lots, and the construction of a mixed-use development containing 113 apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 20 market-rate single-family dwelling units and 27 market-rate two-and three-story townhomes. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construction of a raised center median along the project's frontage on Euclid Avenue, and the restoration and enhancement of the drainage feature as an amenity that functions as a focal point of the site.

The buildings along Euclid Avenue includes above-grade balconies and roof eaves, and the project is required to dedicate 14 feet public right-of-way (ROW). Post-dedication, the balconies and roof eaves would be encroaching in the ROW and requires a Neighborhood Development Permit pursuant to SDMC Section 129.0710(a)(9). Post-dedication, the above-grade balconies and roof eaves would still meet the minimum eight-foot clearance height requirement, as measured from the finished grade of the curb line.

The proposed development includes on-site affordable housing units and qualifies as an affordable housing development pursuant to SDMC Chapter 14, Article 3, Division 9-Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations. An applicant may request deviations from the applicable development regulations in accordance with SDMC Section 143.0920 pursuant to a Neighborhood Development Permit decided in accordance with Process Two provided that the findings are made and the deviation results in a more desirable project. The following are the proposed deviations and justification for each of the requested deviation:

a. A deviation from SDMC Section 131.0540(c)(1) - Ground Floor Restrictions, to allow residential use and residential parking within the front half of Lot 51 for Building A, measured from Hilltop Drive, where residential use and residential parking is prohibited on the ground floor in the front half of the lot.

Lot 51 contains the proposed mix-use development and has frontage along Hilltop Drive and Euclid Avenue, and the front yard setback for this lot is along Hilltop Drive. The northern portion of the ground floor of Building A contains the lobby area, laundry facilities, and the lounge area for the residential units above, and a few of the residential parking spaces are located on the northwestern side of the building's parking lot, north of Private Drive D. The residential use is located approximate 173 feet from Hilltop Drive.

Euclid Avenue is identified by the Community Plan as the community's most important north-south corridor and envisions a mix of land uses and densities that promote walkability and capitalize on the existing transit infrastructure. The proposed design prioritizes connectivity throughout the site and building orientation adjacent to Euclid Avenue, further implementing the Community Plan vision for a vibrant, pedestrian-oriented village. However, due to the constraints of the natural land forms, and the restoration and enhancement of the drainage feature, the site is limited on the placement of the uses and access to the residential units. The project proposal to include a small portion of the residential uses within front yard setback further enhances the strong pedestrian focus and active frontage toward and along Euclid Avenue, which further implements the vision for this vital corridor.

b. A deviation from SDMC Section 131.0444(e) and Table 131-04G - Building Height, to allow for a 36-foot building height for a portion of Building C that is in the RM-1-2 zone and a 35-foot building height for the three-story townhomes, where the RM-1-2 zone permits a maximum height of 30 feet.

Approximately one-third of Building C is located in the RM-1-2 zone which has a maximum allowed height of 30 feet and the remaining portions of the building is located within the CN-1-4 zone which has a maximum allowed height of 60 feet. Building C has a proposed 36-foot building height and the requested six-foot height deviation is to allow for the uniformity in the building structure and access to the floors. Without the deviation, the project would loss three low income and very low income affordable apartment units on the third floor. This portion of the building is located within the interior portion of Lot 51 and is separated from the single-family dwelling units by the restored and enhanced drainage feature, and would have no visual impacts from the public right-of-way or the adjacent properties.

In addition, the townhomes are located within the RM-1-2 zone which has a maximum allowed height of 30 feet. The three-story townhomes have a proposed 35-foot building height to allow for a pitched roof for Lots 7-12 and Lots 36-42. This roof design matches the other two-story townhomes and single-family dwelling units, and distinguishes them from the mix-use development. The three-story townhomes lots are located within the interior portion of the subdivision and adjacent to the restored and enhanced drainage feature. The location of these units provides for a visual differential from the higher mixed-use development to the east and the two-story townhomes and single-family dwelling units that are on the perimeter along Hilltop Drive and the western property line.

c. A deviation from SDMC Table 131-04G - Minimum Lot Area, to allow for reduced minimum lot area for the single-family dwelling units (2,170- through 3,431-square -foot lots) and townhomes lots (987- through 1,971-square-foot lots), where a minimum 6,000 square feet is required for each lot within the RM-1-2 zone.

The 6,000-square foot minimum lot standard for the RM-1-2 zone was intended to accommodate lower density multiple dwelling units with some characteristics of single dwelling units, at a density of one dwelling unit for each 2,500 square feet of lot area. The proposal is for single dwelling unit development, which allows a maximum of one dwelling unit per lot. As such, the smaller lots proposed within the single dwelling unit portion of the project site will be appropriate for the detached single-family dwelling units and single-family townhome-style development. The detached single-family dwelling units and townhomes will be accessed by private drives, pedestrian paths, and surrounded by HOA-maintained common lots. In addition, the reduced lot sizes will provide a space-efficient and economical alternative to traditional single dwelling unit development. Each of the residential lots contain a small private exterior useable space, while the areas outside to the private lots would be maintained by the HOA. It is also the intent of the project to provide a pedestrian-friendly development that is consistent with the surrounding neighborhood character. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

d. A deviation from SDMC Table 131-04G - Minimum Lot Dimensions, to allow for reduced minimum lot dimensions for the single-family dwelling units and townhomes lots, where a minimum 50-foot width, 90-foot depth, and a 50-foot street frontage is required for each lot within the RM-1-2 zone.

The minimum 50-foot width, 90-foot depth, and 50-foot street frontage requirements for lots in the RM-1-2 zone were intended to accommodate lower density multiple dwelling units with some characteristics of single-family dwelling units, with access directly from a public right-of-way. The deviation to street frontage will allow for a more efficient use of land by allowing all single-family dwelling units to be accessed by private drives in lieu of a public street. The deviations to lot width and depth will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development, where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

e. A deviation from SDMC Section 131.0443 (d) and Table 131-04G - Setback Requirements in Residential Zones, to allow for reduced minimum setbacks for the single-family dwelling units and townhomes lots, where a minimum 15 feet and 20 feet standard is required for

the front yard setback, a minimum 5 feet and 8 feet standard is required for the side yard setback, and a minimum 15 feet is required for the rear yard setback (no alley) in the RM-1-2 zone.

Although horizontal separation between interior buildings will be reduced below the underlying zone requirement, the comprehensive development will observe setbacks from the abutting public right-of-way and from adjacent properties consistent with and exceeding those of the underlying zone. HOA-maintained common Lot 48 will provide a 20-foot separation between the proposed single dwelling units and the Hilltop Drive right-of-way, consistent with the RM-1-2 standard front yard setback requirement of 20-feet. Common Lot 48 will provide a 10-foot separation between the proposed single dwelling units and the existing single-family neighborhood to the west, which exceeds the RM-1-2 side setback allowance of five feet along one side of the property. Common Lot 48 will also provide a 15-foot separation between the proposed single dwelling units and the San Diego Unified School District property to the north, consistent with the RM-1-2 rear yard setback requirement of 15-feet.

The setback deviations will allow for the clustering of dwelling units and for increased opportunities to provide larger areas of common open space and recreational amenities for the residents. Over 10,000 square feet of common open space and recreational amenities are being provided for the single dwelling unit development, where 1,175 square feet is the minimum required by the Land Development Code. The project would be integrated into existing neighborhoods through pedestrian-friendly site design, building orientation, HOA maintained common areas and landscaping, and the provision of multiple pedestrian access points, which implements the intent of the Residential Base Zones to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego, and to implement the goals of the community plan.

f. A deviation from SDMC Section 142.0525(d) - Minimum Required Parking Without a 20-foot Driveway, to not require one additional parking space for the townhome lots containing a seven-foot long driveway, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, where the regulation requires one additional parking space for each townhome since the driveways are less than 20 feet.

One of the purposes of the requirement for a 20-foot driveway depth is to allow parking on a driveway without encroachment into the public right-of-way and impeding public pedestrian circulation. Vehicular access to all single dwelling unit properties will be from private drives and not directly from the public right-of-way. All single dwelling unit properties have pedestrian access separated from the vehicular access and the private drives will serve the vehicles.

Another purpose of the 20-foot driveway depth is to accommodate additional parking. Besides the 12-additional on-site guest parking spaces, the project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue. With this extension, the project would be installing full public improvements along the northern portion of Hilltop Drive, thus providing additional public parking spaces within the public right-of-way.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are



appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing commercial lot for residential use, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the proposed subdivision meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Land Development Code (LDC). In addition, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities by constructing 113 low income and very low income affordable apartment units on-site.

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

The topography of the project site is varied, consisting of a flat mesa and a ravine area that is bisected by a small unnamed drainage feature. The project site and drainage does not provide suitable habitat to support special-status plant or wildlife species and has minimal function or value as sensitive habitat. The unnamed drainage contains approximately 0.13 acre of arundo (*Arundo donax*)-dominated riparian habitat subject to the jurisdiction of California Department of Fish and Wildlife (CDFW) but is not considered a City wetland. The drainage would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function.

The site is located within the boundaries of the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan but is not within a Multi-Habitat Planning Area (MHPA) or the Coastal Zone. The project would not result in significant impacts to special-status plant or wildlife species, including MSCP covered species and narrow endemic species. The project will directly impact two sensitive vegetation communities; coastal sage scrub and non-native grassland. To offset project impacts to Diegan coastal sage scrub and non-native grassland, approximately 1.07 acres of ecologically valuable habitat will be mitigated offsite through payment into the City of San Diego's Habitat Acquisition Fund (Fund #10571).

The drainage contains approximately 0.07 acre of non-wetland waters potentially subject to the jurisdiction of the USACE and RWQCB. CDFW jurisdictional limits of the on-site drainage were delineated at the outer edge of stream- dependent vegetation. The unnamed drainage contains approximately 0.52 acre of streambed and stream-associated habitat subject to the jurisdiction of CDFW. The unnamed drainage does not qualify as a City wetland because it was not historically a naturally occurring wetland and has only accumulated invasive hydrophytic vegetation as a result of past human disturbance. The project applicant will pursue project specific permits issued by the resource agencies for impacts to resources associated with the drainage.

The drainage could possibly be used as a local wildlife travel route for common species. However, the habitat onsite has been reduced to small, fragmented, and low-quality stands with limited to no access to any substantial habitat within the project site and immediate vicinity. Therefore, the project site does not contain areas important for wildlife movement.

The proposed single-family dwelling units and townhomes portion of the project would be constructed on the flat mesa that is west of the drainage feature, and the mixed-use development would be constructed on the flat mesa that is east of the drainage feature. As outlined in Finding 1 listed above, the density is consistent to the underlying zones and the community plan. Based on

the foregoing analysis and information, the site is physically suitable for the type and density of development.

**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.**

As outlined in Finding 3 listed above, the project site and drainage does not provide suitable habitat to support special-status plant or wildlife species and has minimal function or value as sensitive habitat. The unnamed drainage contains approximately 0.13 acre of arundo (*Arundo donax*)-dominated riparian habitat subject to the jurisdiction of CDFW but is not considered a City wetland. The drainage would be graded, recontoured, enhanced and restored to maintain water conveyance and improve habitat function. Further, the drainage could possibly be used as a local wildlife travel route for common species. However, the habitat onsite has been reduced to small, fragmented, and low-quality stands with limited to no access to any substantial habitat within the project site and immediate vicinity. Therefore, the project site does not contain areas important for wildlife movement.

Addendum No. 560527 to Program Environmental Impact Report (PEIR) No. 386029/SCH No. 2014051075 prepared for the Southeastern San Diego Community Plan and Encanto Neighborhoods Community Plan updates has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project.

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

The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three HOA lots, and the construction of a mixed-use development containing 113 affordable apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 47 single family dwelling units. The project would also extend Hilltop Drive from its current terminus at the drainage crossing east to the existing signalized intersection at Euclid Avenue, construction of a raised center median along the project's frontage on Euclid Avenue, and the restoration and enhancement of the drainage feature as an amenity that functions as a focal point of the site.

Addendum No. 560527 to PEIR No. 386029/SCH No. 2014051075 prepared for the Southeastern San Diego Community Plan and Encanto Neighborhoods Community Plan updates has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting

Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Vesting Tentative Map (VTM) No. 1976638 and Easement Vacation (EV) No. 2001097, and other regulations and guidelines pertaining to the subject property per the SDMC for the project site. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/ permittee will be required to obtain a grading and public improvement permit. Therefore, the design of the subdivision and the type of improvement would 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.**

The drainage feature, located in the southeastern corner of the development site, was altered between 1953 and 1964. During this period, a portion of drainage was filled to provide access across the drainage adjacent at the eastern terminus of Hilltop Drive. To convey water under the filled area, a concrete pipe was placed in the drainage corridor and two storm drain easements were recorded to allow for the improvements. The existing storm drain will be replaced with a new storm drain system, and a new 15-foot wide storm drain easement would be recorded on the site as part of the final map to cover the entire area of the storm drain improvements. Therefore, once the new storm drain system is in place, the existing two storm drain easements would no longer be required and will be vacated as part of the VTM.

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

The design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and SDMC Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities. The proposed establishes appropriate setbacks and distances between buildings to allow for passive natural heating and cooling opportunities. The physical layout of the buildings onsite allows for the passage of air between buildings. The landscape plan proposes a high-quality design with many trees that will promote natural cooling onsite. The project would highlight natural materials and colors, usable outdoor spaces, and drought-tolerant landscaping. The mixed-use development structures would feature a contemporary architectural style using a combination of materials that may include glass, ceramic tile, board-formed concrete, steel, and stucco. The first floor would contain store fronts, while the upper floors would feature a contemporary architectural style, with more residentially-scaled doors and windows. The single-family dwelling units and townhomes feature a contemporary architectural style, with more residentially-scaled doors and windows, and landscaped buffers, while the garages would be located off private drives. The overall project design would incorporate

sustainability features for energy and water efficiency, and 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.**

The project proposes to subdivide a vacant 9.38-acre site into 47 single dwelling unit lots, one mixed-use lot and three HOA lots, and the construction of a mixed-use development containing 113 affordable apartment units with 8,485 square feet of commercial space on the ground floor, and the construction of 47 single family dwelling units. The 113 affordable apartment units will be set aside for low income (rent that does not exceed 30 percent of 60 percent of the area median income (AMI)) and very low income (rent that does not exceed 30 percent of 50 percent of the AMI), and would further the City's affordable housing goals. Furthermore, the project implements the City's General Plan policies that encourage locating residential near transit and employment opportunities, thereby capturing automobile trips and allowing for increased pedestrian activity, bicycle and transit activity. All appropriate public services (including fire, police, medical, schools, public parks, and libraries) as well as necessary utilities such as electricity, water, and sewer, will be available and adequate for the proposed project.

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

FURTHER RESOLVED, that portions of two storm drain easement located within the project boundaries as shown in Vesting Tentative Map No. 1976638, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

**9. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a))**

The drainage feature, located in the southeastern corner of the development site, was altered between 1953 and 1964. During this period, a portion of drainage was filled to provide access across the drainage adjacent at the eastern terminus of Hilltop Drive. To convey water under the filled area, a concrete pipe was placed in the drainage corridor and two storm drain easements were recorded to allow for the improvements. The existing storm drain will be replaced with a new storm drain system, and a new 15-foot wide storm drain easement would be recorded on the site as part of the final map to cover the entire area of the storm drain improvements. Therefore, once the new storm drain system is in place, the existing two storm drain easements would no longer be required.

**10. The public will benefit from the action through improved utilization of the land made available by the vacation. (San Diego Municipal Code § 125.1040(b))**

The existing storm drain will be replaced with a new storm drain system in approximate same location as the existing, and a new 15-foot wide storm drain easement would be recorded on the site as part of the final map to cover the entire area of the storm drain improvements. Therefore, once the new storm drain system is in place, the existing two storm drain easements would no longer be required and the public will benefit from the action through a new improved storm drain system.

**11. The vacation is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c))**

As outlined within Finding 1 listed above, the proposed subdivision and vacation of the two storm drain easements are consistent with any applicable land use plan.

**12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d))**

The drainage feature, located in the southeastern corner of the development site, was altered between 1953 and 1964. During this period, a portion of drainage was filled to provide access across the drainage adjacent at the eastern terminus of Hilltop Drive. To convey water under the filled area, a concrete pipe was placed in the drainage corridor and two storm drain easements were recorded to allow for the improvements. The existing storm drain will be replaced with a new storm drain system, and a new 15-foot wide storm drain easement would be recorded on the site as part of the final map to cover the entire area of the storm drain improvements. Therefore, the purpose for which the easement was originally acquired would not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097 hereby granted to THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner, and AFFIRMED HOUSING GROUP, INC., a Delaware Corporation, Subdivider, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

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DCA Name

Deputy City Attorney



XXX:xxx

Insert Date

Or.Dept:DSD

Doc. No.: xxxxxxxx

Attachments: Exhibit 1-Legal Description  
Exhibit 2-Vesting Tentative Map Conditions

EXHIBIT 1

LEGAL DESCRIPTION

APN 542-480-03; 10 and 12

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF THAT PORTION OF RANCHO MISSION OF SAN DIEGO COMMONLY KNOWN AS HORTON'S PURCHASE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING FROM SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EASTERLY 30.00 FEET OF SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST, 13.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST, 165.89 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 DISTANT THEREON SOUTH 89° 58' 11" WEST 16.00 FEET FROM THE INTERSECTION OF SAID SOUTHERLY LINE OF THE EASTERLY 30 FEET OF SAID LOT 29.

ALSO EXCEPTING FROM THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THE EASTERLY 190.00 FEET OF THE NORTHERLY 250.00 FEET THEREOF.

AND ALSO EXCEPTING FROM THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29 THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE EASTERLY 40.00 FEET OF SAID LOT 29 WITH THE SOUTHERLY LINE OF NORTHERLY 250.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET SOUTH 89° 58' 11" WEST 9.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST 81.78 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 29 DISTANT THEREON SOUTH 89° 58' 11" WEST 10.01 FEET FROM THE WESTERLY LINE OF THE EASTERLY 40.00 FEET OF SAID LOT 29.

APN 542-480-09

PARCEL 1:

THE EASTERLY 190.00 FEET OF THE SOUTHERLY 75.00 OF THE NORTHERLY 150.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF HORTON'S PURCHASE OF THE EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM, THAT PORTION LYING EASTERLY OF THE WESTERLY LINE OF LAND DESCRIBED IN DEED TO THE CITY OF SAN DIEGO, RECORDER APRIL 24, 1963 AS INSTRUMENT NO. 70108 OF OFFICIAL RECORDS, SAID WESTERLY LINE OF BEING DESCRIBED AS, FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF THE HEREINABOVE DESCRIBED LAND; THENCE ALONG THE NORTHERLY LINE OF SAID LAND, SOUTH 89° 58' 11" WEST

6.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 39' 45" WEST 75.01 FEET TO A POINT ON THE SOUTHERLY LINE OF THE HEREINABOVE DESCRIBED LAND; DISTANT THEREON SOUTH 89° 58' 11" WEST 7.81 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID LAND.

APN 542-480-14

THE NORTH 75 FEET OF THE EAST 190 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, OF HORTON'S PURCHASE IN EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID LOT 29; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST 6.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 75.01 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTHERLY 75.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEIRON SOUTH 89° 58' 11" WEST 6.91 FEET FROM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID NORTHERLY 75.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTHERLY 75.00 FEET, NORTH 89° 58' 11" EAST 6.91 FEET TO SAID SOUTHWEST CORNER OF SAID EASTERLY 40.00 FEET; THENCE ALONG THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET, NORTH 00° 01' 49" WEST 75 .00 FEET TO THE POINT OF BEGINNING.

APN 542-480-16

THE SOUTH 100.00 FEET OF THE NORTH 250.00 FEET OF THE EAST 190.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, OF EX-MISSION LANDS OF SAN DIEGO IN HORTON'S PURCHASE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 9, 1878.

EXCEPTING THEREFROM THAT-PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTHERLY 100.00 FEET OF THE NORTHERLY 250.00 FEET OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 100.00 FEET OF THENORTHERLY 250.00 FEET, SOUTH 89° 58' 11" WEST 7.81 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 100.01 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 9.02 FEET FORM THE SOUTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID NORTHERLY 250.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTHERLY 250.00 FEET, NORTH 89° 58' 11" EAST 9,02 FEET TO SAID SOUTHWEST CORNER OF SAID EASTERLY 40.00 FEET THENCE ALONG THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET, NORTH 00° 01' 49" WEST, 100.00 FEET TO THE POINT OF BEGINNING.

APN 542-480-18

THE SOUTHERN 66.00 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29 OF HORTON'S PURCHASE IN THE EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF

## ATTACHMENT 9

NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 9, 1878.

EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 30.00 FEET OF SAID SOUTHERLY 66.00 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 66.00 FEET, SOUTH 89° 58' 11" WEST 13.20 FEET TO THE TRUE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED; THENCE LEAVING SAID NORTHERLY LINE SOUTH 00° 39' 45" WEST 66.00 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 13.99 FEET FROM THE SOUTHWEST CORNER OF SAID EASTERLY 30.00 FEET OF SAID SOUTHERLY 66.00 FEET OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER.

APN 542-480-20

THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF LOT 29, EXCEPTING THEREFROM THE SOUTHERLY 66 FEET OF HORTON'S PURCHASE IN EX-MISSION LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 283, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 9, 1878.

ALSO EXCEPTING THAT PORTION LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 40.00 FEET OF SAID SOUTHEAST QUARTER OF SAID LOT; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER, SOUTH 89° 58' 11" WEST 2.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 39' 45" WEST 99.01 FEET TO A POINT IN THE NORTHERLY LINE OF THE SOUTHERLY 66.00 FEET OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, DISTANT THEREON SOUTH 89° 58' 11" WEST 3.20 FEET FROM THE WESTERLY LINE OF SAID EASTERLY 40.00 FEET OF SAID SOUTHEAST QUARTER.

EXHIBIT 2  
CITY COUNCIL  
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1976638 AND EASEMENT  
VACATION NO. 2001097, HILLTOP/EUCLID MIXED-USE DEVELOPMENT  
PROJECT - PROJECT NO. 560527 [MMRP]

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Vesting Tentative Map will expire \_\_\_\_\_.
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 expiration of the Vesting Tentative Map, a Final Map to subdivide Lots shall be recorded in the office of the 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 tax compliance fee to avoid delaying the recordation of the Final Map.

5. The Final Map shall conform to the provisions of Site Development Permit No. 1976637 and Neighborhood Development Permit No. 2179090.
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.



**ENGINEERING**

7. The Subdivider shall underground any proposed public utility systems and service facilities in accordance with the San Diego Municipal Code, satisfactory to the City Engineer.
8. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits, satisfactory to the City Engineer. 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.
9. The Subdivider shall ensure the installation of new street lights adjacent to the site on Euclid Ave. and Hilltop Dr. per the current City of San Diego street Design Manual-Street Light Standards, and Council Policy 200-18.
10. The Subdivider shall ensure the installation of new street lights adjacent to site on Euclid Ave. and Hilltop Dr. per the approved 'Exhibit A' or as directed to the satisfaction of the City Engineer, per the current City of San Diego street Design Manual-Street Light Standards, and Council Policy 200-18.
11. The Subdivider shall assure by permit, bond and As-built completion, the construction of the offsite Public Storm Drain system, on the adjacent property to the south of the project site, per current City Standard as shown on the approved Exhibit "A," 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 Vesting 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. Prior to the expiration of the Vesting Tentative Map, two phased Final Maps to subdivide Lots shall be recorded in the office of the County Recorder.
14. "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].
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 Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (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 shall be shown on the map.

**Public Utilities Department**

17. The Subdivider shall grant water easements for the proposed above ground water meters as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.

**INFORMATION:**

- The approval of this Vesting Tentative Map by the City Council 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 Vesting 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 Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting 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

## **ATTACHMENT 10**

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. 24007367

CITY COUNCIL RESOLUTION NO. R- \_\_\_\_\_  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION ADOPTING ADDENDUM NO. 560527 TO PROGRAM  
ENVIRONMENTAL IMPACT REPORT NO. 386029/SCH NO. 2014051075, AND  
ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM;  
HILLTOP/EUCLID MIXED-USE DEVELOPMENT PROJECT – PROJECT NO. 560527

WHEREAS, City of San Diego Planning Department conducted a comprehensive plan update to the Southeastern San Diego Community Plan that included the adoption of a new separate Encanto Neighborhoods Community Plan, amendments to the General Plan, amendments to the Land Development Code, adoption of Impact Fee Studies for Southeastern San Diego and Encanto Neighborhoods; and

WHEREAS, on December 2, 2015, the San Diego City Council adopted Resolution No. 310077, certifying Program Environmental Impact Report No. 386029 / SCH No. 2014051075, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on June 29, 2017, AFFIRMED HOUSING GROUP, INC., a Delaware Corporation, submitted an application to the Development Services Department for approval of minor technical changes or additions to the Project; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Program Environmental Impact Report if such Addendum meets the requirements of CEQA; and

BE IT RESOLVED, by the City Council of the City of San Diego as follows:

1. That the information contained in the Program Environmental Impact Report No. 386029 / SCH No. 2014051075 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.

2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Program Environmental Impact Report No. 386029 / SCH No. 2014051075 for the Project.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Program Environmental Impact Report No. 386029 / SCH No. 2014051075 or that any significant effects previously examined will be substantially more severe than shown in the Program Environmental Impact Report No. 386029 / SCH No. 2014051075.
4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.
5. That pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum to Program Environmental Impact Report No. 386029 / SCH No. 2014051075 with respect to the Project, a copy of which is on file in the office of the Development Services Department.
6. That pursuant to CEQA Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.
7. That Development Services Department staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

---

DCA Name

Deputy City Attorney

XXX:xxx

Insert Date

Or.Dept:DSD

Doc. No.: xxxxxxxx



**EXHIBIT A**

## MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT NO. 1976637, NEIGHBORHOOD DEVELOPMENT  
 PERMIT NO. 2179090, VESTING TENTATIVE MAP NO. 1976638 AND  
 EASEMENT VACATION NO. 2001097  
 PROJECT NO. 560527

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to Program Environmental Impact Report No. 386029 / SCH No. 2014051075 shall be made conditions of Site Development Permit No. 1976637, Neighborhood Development Permit No. 2179090, Vesting Tentative Map No. 1976638 and Easement Vacation No. 2001097 as may be further described below.

**A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:  
<http://www.sandiego.gov/development-services/industry/information/standtemp>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultant:

**Qualified Paleontological Monitor, Qualified Biologist, Acoustician**

**Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.**

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
  - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 560527 and/or Environmental Document Number 560527, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).
- Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**
3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency.

- National Pollutant Discharge Elimination System (NPDES) Municipal

- Storm Water Permit Compliance;
- NPDES General Construction Activity Permit for Storm Water Discharges Compliance;
- California Fish and Game Code Section 1602 Streambed Alteration Agreement;
- Federal Clean Water Act Section 404 Permit; and
- Federal Clean Water Act Section 401 Water Quality Certification

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work would be performed. When necessary for clarification, a detailed methodology of how the work would be performed shall be included.

**Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Visual Quality	Contour Grading Verification Letter	Contour Grading/Staking Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS****Noise**

- I. Prior to issuance of any residential building permit, the Owner/Permittee shall submit an exterior to interior noise analysis to identify appropriate sound transmission reduction measures necessary to achieve an interior noise level that would not exceed 45 dBA.
- II. Prior to issuance of Final Inspection/Occupancy, the Owner/Permittee shall submit two copies of the final acoustical report with construction documents to the Building Inspector, to verify that interior acoustical levels of 45 dBA has been achieved.

**Biological Resources – Uplands (Habitat Acquisition Fund)**

Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall make payment to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.30 acre of Diegan coastal sage scrub (Tier II) and 0.62 acre of non-native grassland (Tier IIIB). This payment is based on mitigation ratios, per the City of San Diego Biology Guidelines (2012). Impacts to Diegan coastal sage scrub (Tier II) inside of the MHPA shall be required at a mitigation ratio of 1:1 (approximately 0.30 acre) and outside of the MHPA at a mitigation ratio of 1.5:1 (approximately 0.45 acre). Impacts to non-native grassland (Tier IIIB) inside of the MHPA shall be required at a mitigation ratio of 0.5:1 (approximately 0.31 acre) and outside of the MHPA at a mitigation ratio of 1.5:1 (approximately 0.62 acre). The equivalent contribution payment into the City's HAF shall also include a ten (10) percent administrative fee.

**Biological Resources****I. Prior to Construction**

- A. Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special

mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts (ESAs); and/or other local, state or federal requirements.

- D. BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including nesting surveys for yellow-breasted chat, yellow warbler, ~~and~~ Cooper's hawk, Least Bell's Vireo), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. Avian Protection Requirements:** To avoid any direct impacts to sensitive bird species such as yellow-breasted chat, yellow warbler, ~~and~~ Cooper's hawk, and Least Bell's Vireo removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of the yellow-breasted chat, yellow warbler, and Cooper's hawk, on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or RE, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.
- F. Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction



fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting yellow-breasted chat, yellow warbler, ~~and~~ Cooper's hawk, and Least Bell's Vireo) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging area, etc.).

## II. During Construction

- A. **Monitoring** – All construction (including access/staging area) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on “Exhibit A” and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

## III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

**PALEONTOLOGICAL RESOURCES**

**I. Prior to Permit Issuance**

- A. Entitlements Plan Check
  - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans, but prior to the first precon meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
  - 1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City Paleontology Guidelines.
  - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
  - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

**II. Prior to Start of Construction**

- A. Verification of Records Search
  - 1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
  - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
  - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a precon meeting that shall include the PI, CM, and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related precon meetings to make comments and/or suggestions concerning the paleontological monitoring program with the CM and/or Grading Contractor.
    - a. If the PI is unable to attend the precon meeting, the Applicant shall schedule a focused precon meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
  - 2. Identify Areas to be Monitored - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be

based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### **III. During Construction**

- A. Monitor Shall be Present During Grading/Excavation/Trenching
  1. The monitor shall be present full time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.
  2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
  3. The monitor shall document field activity via the CSV. The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
  1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or PI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
  1. The PI shall evaluate the significance of the resource.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating

whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils), the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract.
  - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  - 2. The following procedures shall be followed.
    - a. No Discoveries - In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8 A.M. on the next business day.
    - b. Discoveries - All discoveries shall be processed and documented using the existing procedures detailed in Section III - During Construction.
    - c. Potentially Significant Discoveries - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8 A.M. on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  - 1. The CM shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

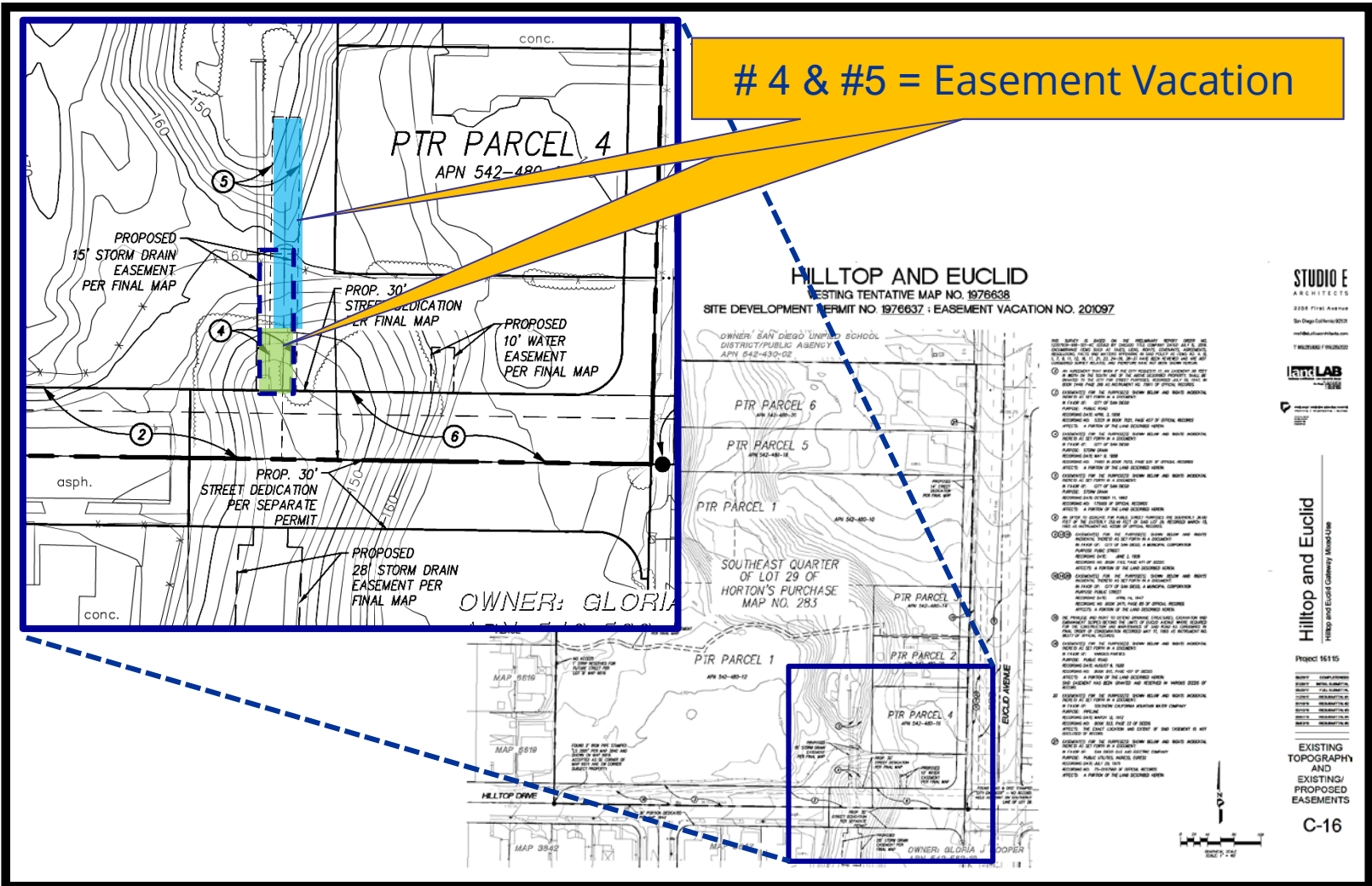
#### **V. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the paleontological monitoring program (with appropriate graphics) to MMC

for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the paleontological recovery program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum - The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the paleontological monitoring program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

# 4 & #5 = Easement Vacation



STUDIO E  
ARCHITECTS  
2250 First Avenue  
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info@studioe.com  
760.444.1100

LAB  
ARCHITECTS  
1000 La Jolla Village Drive, Suite 100  
San Diego, CA 92161  
760.444.1100

Hilltop and Euclid  
Hilltop and Euclid Gateway Mixed Use

Project 16115

DATE: 10/1/2019  
BY: [Signature]  
CHECKED: [Signature]  
DATE: 10/1/2019

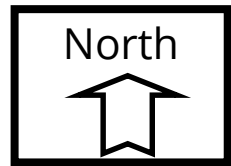
EXISTING  
TOPOGRAPHY  
AND  
EXISTING/  
PROPOSED  
EASEMENTS

C-16



# Easement Vacation Location Exhibit

Hilltop/Euclid Mixed-Use Development -Project 560527  
922-1040 Euclid Avenue and 5012 Hilltop Drive





# Encanto Neighborhood Community Planning Group



## ENCANTO NEIGHBORHOODS COMMUNITY PLANNING GROUP MINUTES OF MEETING

Jacobs Center, 404 Euclid Avenue, Community Room, San Diego, CA 92114

Monday, February 26, 2018 | 6:30pm – 8:30pm

Seat (Term 2016-2018)	Member	Present	Seat (Term 2017-2019)	Member	Present
1. Broadway Heights	Vacant	N/A	9. Alta Visa	Marry Young	Y
2. Chollas View	Ardelle Matthews	Y	10. Encanto	Steven Ward	Y
3. Emerald Hills	Christie Hill	Y	11. O'Farrell	Kenneth Malbrough	Y
4. Lincoln Park	Leslie Dudley	N	12. Valencia Park	Monte Jones	N
5. At-Large	Khalada Salaam-Alaji	Y	13. At-Large	Brian Pollard	N
6. At-Large	Shawn Glisson	Y	14. At-Large	Kwame Oates	Y
7. At-Large	Vacant	N/A	15. At-Large	Henry Foster III	Y
8. At-Large	Vacant	N/A	16. At-Large	Karina Velazquez	Y
City Dept.	Name	Present	Office	Name	Present
Planning	Elizabeth Dickson	N	Mayor's Office	Darnisha Hunter	N
Civic SD	Sherry Brooks	N	Council District 4	Mathew Gordon	N
JCNI	Richard Seges	N	Assembly 79 <sup>th</sup>	Denise BLANK	Y
Congress 51 <sup>st</sup>	Stephanie Allen	N	Senate 39 <sup>th</sup>	Chevelle Newell-Tate	N
Number of Visitors: 22			Sign-in Sheet on File: Yes		

### 1. Call to Order & Introductions

Chairman Ken Malbrough called the meeting to order at 6:40pm.

Quorum was present (8 out of 13 members).

### 2. Adoption of the Agenda

**Motion made by Karina Velazquez to adopt the agenda. Seconded by Marry Young. Vote: 8-0-0. Motion Carried.**

*Ardelle Matthews arrived; quorum is now 9.*

### 3. Review and Approval of Minutes

Ken Malbrough noticed a few errors in the minutes: Marry Young and Kwame Oates were both present and there were 13 guests in attendance.

**Motion made by Khalada Salaam-Alaji to approve the minutes with the above changes for the January 2018 Meeting. Second by Shawn Glisson. Vote: 8-1-0. Motion Carried. Ardelle Matthews abstained.**

### 4. Communications from the Public: None.

### 5. Chair's Report:

- a. Ken stated Salimisha Logan, former board member, passed away. Ken stated Elizabeth Dickson will present changes of bylaws to city attorney with new name.
- b. Ken stated the board can't hold elections during regular meeting. Ken stated last year the

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board held a special meeting from 6-7pm, adjourn, and then reconvene as regular meeting. Ardelle Matthews added an amendment to resolve officer application issue before holding the special meeting.

**Motion made by Kenneth Malbrough to hold a special meeting on March 19, 2018 at 6pm for elections contingent on the officer issue resolved. Second by Marry Young. 8-1-0. Ken Malbrough abstained.**

## 6. Staff Reports:

- a. **Mayor's Office:** Darnisha Hunter not present.
- b. **Council District 4:** Mathew Gordon not present.
- c. **Assembly District 79:** Denise BLANK stated the State of the District event will be held at the Lemon Grove Community Center on 3/1/18. Denise stated on 3/18 will host Salute to Women Leaders at George Stevens Center.
- d. **Senate District 39:** Chevelle Newell-Tate not present.
- e. **51 Congressional District:** Stephanie Allen not present.
- f. **City Planning:** Elizabeth Dickson not present.
- g. **Civic San Diego:** Sherry Brooks not present.
- h. **Jacobs Center for Neighborhood Innovation:** Richard Seges not present.

## 7. Sub-Committee Reports

- a. **Election Sub-Committee Report:** Steve Ward reported the committee will meet on Sunday 3/11 at Malcolm X Library to review applications, proof of residence, and create ballot.
- b. Steve stated those interested in running for an officer seat need to submit an application.
- c. Karina stated the seats open are Broadway Heights, Chollas View, Emerald Hills, Lincoln Park, and 4 at-large seats.

## 8. Action Items:

- a. Hilltop & Euclid Project 56027 presented by Jimmy Silverwood from Affirmed Housing who is partnering with Ito & Girard Associates, and Studio E Architects, to build 113 multi-family rental units, and 47 single family homes; apartments will be 30-60% AML.
- b. Public asked about timeline, traffic impact, and community outreach.

*Kwame Oates arrived; quorum is now 10.*

**Motion by Ardelle Matthew for Chollas View to have a continuance. Second by Shawn Glisson.**

**Vote: 1-0-8. Motion denied.**

**Motion to Kwame Oates to accept the project. Second by Karina Velazquez. 5-1-4. Ken Malbrough abstained. Nay Shawn Glisson, Ardelle Matthews, Khalada Salaam-Alaji, Christie Hill. Motion Carried.**

## 9. Informational Items: None.

## 10. Continuing Business: None.

## 11. Adjournment

**Motion made by Kwame Oates to adjourn the meeting. Second by Karina Velazquez. Vote: 10-0-0.**

**Motion Carried.**

Written by: Karina Velazquez, Board Recording Secretary

# Ownership Disclosure Statement



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

**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**

Hilltop and Euclid

**Project No. For City Use Only**

560527

**Project Address:**

932-1038 Euclid Avenue and 5012 Hilltop Drive (Northwest corner of Hilltop and Euclid)

**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:



Project Title:

Project No. (For City Use Only)

560527

**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? DE Corporate Identification No. 26-0812994  
☐ 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):

City of San Diego

☒ Owner ☐ Tenant/Lessee

Street Address:

401 B Street, Fourth Floor

City/State/Zip:

San Diego, CA 92101

Phone No:

619-533-7190

Fax No:

619-236-9148

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

David Graham

Title (type or print):

Deputy Chief Operating Officer-Neighborhood Services

Signature:

Date:

8-21-17

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):

Affirmed Housing Group, Inc.

☒ Owner ☐ Tenant/Lessee

Street Address:

13520 Evening Creek Dr N Ste 160

City/State/Zip:

San Diego CA 92128

Phone No:

858-386-5178

Fax No:

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

James Silverwood

Title (type or print):

President &amp; CEO

Signature:

Date:

8-17-17

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:

Peterson, Jeff

560527

**From:** Michelle Muniz <Michelle@affirmedhousing.com>  
**Sent:** Thursday, September 21, 2017 3:34 PM  
**To:** Peterson, Jeff  
**Cc:** Jimmy Silverwood; kbussett@studioearchitects.com  
**Subject:** Affirmed Officers

Good afternoon Mr. Peterson,

I understand you are requested a list of Affirmed Housing Group's officers. They are:

James Silverwood – President and CEO

Nicki Cometa – Chief Financial Officer

If there is anything else you need, please feel free to contact me.

Best regards,

**Michelle Muniz** | Project Management Assistant | **Affirmed Housing** | 13520 Evening Creek Drive N, Suite 160 | San Diego, CA 92128  
D. 858.386.5179 | O.858.679.2828 x 1031 | [www.affirmedhousing.com](http://www.affirmedhousing.com)

