

(R-93-800)

RESOLUTION NUMBER R-280834

ADOPTED ON OCTOBER 6, 1992

WHEREAS, on September 10, 1992, Planning Commission recommended denial of Mission Valley Development Permit No. 90-0900 submitted by San Diego Bond - MBM Associates Limited, Owner/Permittee, to construct a 371-unit residential development on a 12.9 acre site located along the south side of the San Diego River on the north side of Camino de la Reina and the west side of Mission Center Road, located within the First San Diego River Improvement Project Specific Plan area, in the Mission Valley Community Plan area, in the MV-M/SP Zone; and

WHEREAS, the matter was set for public hearing on October 6, 1992, 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 this Council adopts the following findings with respect to Mission Valley Development Permit No. 90-0900:

1. The proposed development is consistent with the Mission Valley Community Plan and the Progress Guide and General Plan. Both the Mission Valley Community Plan and the General Plan designate this site for Multiple Use which permits multi-family residential development. The project design includes a 35-foot setback along the river and provides a meandering pedestrian walkway as recommended in the Community Plan. In addition, the

project design includes a pedestrian bridge over Camino de la Reina, providing access to commercial development across the street and meeting the goals for multiple use development along the river corridor.

2. The proposed development provides the required public facilities and is compatible with the adjacent open space areas. The proposed project provides the required open space along the San Diego River and incorporates an average setback along the street in accordance with the Mission Valley Planned District Ordinance.

3. The proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as part of the planned district. It is the intent of the Mission Valley Planned District Ordinance to ensure that development is accomplished in a manner that enhances and preserves the sensitive resource areas, improves the vehicular, bicycle, pedestrian and public transit circulation network, and contributes to the functional well-being of the community. The project has been designed to provide a 35-foot buffer along the San Diego River which includes an area planted with indigenous vegetation as well as a river path and passive recreation space. The buildings have been designed to step down toward the river to permit access to and views of the river. The change in use from office to residential use on this site decreases traffic during peak hours and sidewalks and parkways are provided around the

perimeter and through the project to provide pedestrian access to the river and to the adjacent commercial centers.

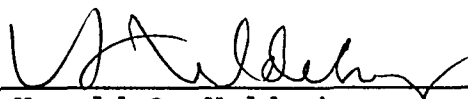
4. The proposed project will comply with all relevant regulations in the adopted Mission Valley Community Plan, the Mission Valley Planned District Ordinance and the San Diego Municipal Code.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is denied; Mission Valley Development Permit No. 90-0900 is hereby granted to San Diego Bond - MBM Associates Limited, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
12/04/92
Or.Dept:Clerk
R-93-800
Form=r.permit

MISSION VALLEY DEVELOPMENT PERMIT NO. 90-0900
FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT ("FSDRIP")

CITY COUNCIL

This Mission Valley Development Permit is granted by the City Council of the City of San Diego to San Diego Bond - MBM Associates Limited, Owner/Permittee, under conditions in San Diego Municipal Code section 103.2101.

1. Permission is hereby granted to Owner/Permittee, to construct a 371-unit multi-family residential development located on the north side of Camino de la Reina, west of Mission Center Road and along the south side of the San Diego River. The 12.9 acre site is described as Lot 3 of MBM West and is in the MV-M/SP Zone of the Mission Valley Planned District.
2. The Project shall consist of the following:
 - a. A 371-unit multi-family residential development within six buildings and associated recreation facilities;
 - b. Landscaping;
 - c. 682 Off-street Parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than 682 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 6, 1992, on file in the office of the Planning Department. Parking spaces shall be consistent with Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking spaces shall be provided. Parking areas shall be marked and shall contain safe, usable pedestrian pathways to building entrances.
4. Prior to issuance of any building permit, a final map shall be recorded with the County Recorder.
5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 6, 1992, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless

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appropriate applications or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 6, 1992, on file in the office of the Planning Department. Approved plantings shall be installed before issuance of any occupancy permit on any building. Such plantings shall not be modified or altered unless this permit has been amended.
7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
8. This project proposal shall conform with all special regulations contained in Municipal Code section 103.2112 unless otherwise noted herein or approved by the planning Director.
9. No merchandise, material or equipment shall be stored on the roof of any building without screening from public rights-of-way and the river.
10. Prior to the issuance of any building permits, the applicant shall assure compliance with all City of San Diego Fire codes and standards satisfactory to the Fire Department and to the City Engineer.
11. This project shall comply with the conditions of Tentative Map No. 90-0900 in a manner satisfactory to the City Engineer and the Planning Department.
12. Any changes in use on this site shall be reviewed by the Planning Department for conformance with the current parking requirements.
13. Any change in use on this site may require a traffic study to determine conformance with the Development Intensity District Regulations.
14. As a condition of this permit, the Owner/Permittee shall be required to reserve all necessary rights-of-way for the LRT alignment and shall contribute the equivalent cost of at grade construction.
15. As a condition of this permit, this project shall comply with all development regulations contained in the First San Diego River Improvement Project Specific Plan (FSDRIP) and any amendments to the Plan.

16. This Mission Valley Development Permit must be used within 36 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Municipal Code section 101.0920. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.
17. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
18. This Mission Valley Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or the current owner.
19. All signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A", dated October 6, 1992. Unless otherwise provided within this permit, all signs requested and proposed for this project shall conform to City-wide Sign Regulations and be administered by the Sign Code Administration of the Planning Department.
20. This Mission Valley Development Permit may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.
21. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise, and friction values, and any other applicable criteria.
22. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.
23. No permit for the development of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Planning Department;
 - b. The Mission Valley Development Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Director's

decision or within 30 days of a Planning Commission or City Council decision, the permit shall be void.

24. A "Non-building Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space.
25. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
26. No building additions, including patio covers, shall be permitted unless approved by the homeowners' association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
27. The applicant shall post a copy of the approved permit in the sales or leasing office for consideration by each prospective buyer or tenant.
28. Noise walls, street trees, decorative pavements and other construction or improvements in the public right-of-way shall be permitted by an Encroachment Permit obtained from the City Engineer.
29. This Mission Valley Development Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

Passed and adopted by the Council of The City of San Diego on October 6, 1992, by Resolution No. R-280834.

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Passed and adopted by the Council of The City of San Diego on OCT 06 1992
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Blonda R. Buene* Deputy.

Office of the City Clerk, San Diego, California

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