

(R-93-1553)

RESOLUTION NUMBER R-281669

ADOPTED ON MARCH 23, 1993

WHEREAS, the Metropolitan Area Advisory Committee, a California Corporation, Owner/Permittee, requested Barrio Logan/Coastal Development Permit No. 92-0490 to allow the construction of a 144-unit multi-family residential project and an extension to Chicano Park on a 5.62-acre site located within the Redevelopment Subdistrict of the Barrio Logan Planned District; and

WHEREAS, the matter was set for public hearing on March 23, 1993, 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 Barrio Logan/Coastal Development Permit No. 92-0490:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Section 101.0462 (San Diego Municipal Code), unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

7. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

8. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

9. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan.

10. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety

and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

11. The proposed use will comply with the relevant regulations in the Barrio Logan Redevelopment Plan, the Barrio Logan/Harbor 101 Community Plan, the Barrio Logan Planned District Ordinance, and the relevant sections of the San Diego Municipal Code.

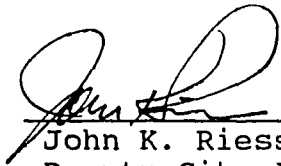
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Barrio Logan/Coastal Development Permit No. 92-0490 is hereby granted to the Metropolitan Area Advisory Committee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that this resolution shall not become effective within the areas of the City within the jurisdiction of the California Commission until such time as the Commission unconditionally certifies these amendments as a Local Coastal Program Amendment.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess  
Deputy City Attorney

JKR:pev  
04/05/93  
Or.Dept:Clerk  
R-93-1553  
Form=r.permit

BARRIO LOGAN/  
COASTAL DEVELOPMENT PERMIT

THE MERCADO APARTMENTS

CITY COUNCIL

This Barrio Logan/Coastal Development Permit NO. 92-0490 is granted by the Council of The City of San Diego to the METROPOLITAN AREA ADVISORY COMMITTEE, a California Corporation, Owner/Permittee, pursuant to Sections 103.0900 and 105.0202 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a 144-unit multi-family residential development with a community meeting room, day care facility, and an extension to Chicano Park on a 5.62 acre site located on the block bound by Newton Avenue, Main Street, Evans Street, and Dewey Street in the "Redevelopment Subdistrict" of the Barrio Logan Planned District.
2. The facility shall consist of the following:
  - a. One hundred forty-four multi-family dwelling units totalling 148,455 square-feet;
  - b. A day care facility and community meeting center totalling 5,088 square feet in accordance with Section 101.0580 of the San Diego Municipal Code;
  - c. Landscaping;
  - d. Off-street parking; and
  - e. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than 212 off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated March 23, 1993, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit 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 Barrio Logan/Coastal Development Permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 23, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless 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. The plans shall be in substantial conformity to Exhibit "A," dated March 23, 1993, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
  7. The property included within this Barrio Logan/Coastal Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
  8. This Barrio Logan/Coastal Development Permit may be canceled or revoked 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 Permittee.
  9. This Barrio Logan/Coastal Development Permit is a covenant running with the subject property 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 in this permit and all referenced documents.
  10. The use of texture 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.
  11. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

12. Details of all exterior illumination shall be submitted prior to issuance of building permits. 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.
13. All signs requested and proposed for this project shall conform to the City Wide Sign Code and the Coastal Development Ordinance.
14. A colors and materials board (maximum size 8½" x 11") showing all proposed exterior materials shall be submitted for City Planning Department approval prior to issuance of building permits.
15. Final pad elevations shall be within two foot ± of preliminary pad elevations shown on the approved preliminary grading plan, Exhibit "A," dated March 23, 1993.
16. Landscaping materials shall be installed and maintained so as to assure that neither during growing stages nor upon reaching maturity will such materials obstruct views to and along the ocean and other scenic coastal areas from public vantage points.
17. Subsequent modifications to the structure or change in tenant occupancy shall require review by the Planning Director.
18. Trees introduced to the site shall be adequately protected from drowning during heavy rains. Any drainage or runoff system installed for this purpose shall be serviced regularly during the November 15 to March 31 rainy season so as to avoid the accumulation of standing water around the base of such trees to the satisfaction of the City Planning Department.
19. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises, unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building to the satisfaction of the City Planning Department.
20. A minimum of 32 square feet on-site refuse collection area shall be provided on each lot or premises, and shall not be located in any front or street side yard. Said area shall be screened by a solid wall or fence with a minimum height of four feet or the height of the refuse container, whichever is greater; provided that a six-foot solid fence or wall shall be constructed between any such container and any adjoining residentially zoned property to the

satisfaction of the City Planning Department. In all cases where a lot or premises is served by an alley, all refuse collection areas shall be directly accessible to such alley.

21. As a condition of this permit, the following Environmental Mitigation Measures which are included in the Environmental Secondary Study for the Mercado Apartments (Document No. 1925, filed June 8, 1992 in the Office of the Redevelopment Agency, San Diego, California) are incorporated and required as follows in order to ensure that the proposed project would not have significant impacts to cultural resources, that an archeological monitoring program is instituted during the construction of the proposed project to recover any cultural resources that may be buried beneath the existing structures.
- a. The applicant shall provide verification that a qualified archaeologist has been retained to implement the archeological monitoring program. This verification shall be presented in a letter from the archaeologist to the Redevelopment Agency of the City of San Diego prior to construction activities. (A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists.)
- b. The qualified archaeologist shall attend any pre-construction meetings and shall be present on-site during all remaining grading. The archaeologist's duties shall encompass four elements: monitoring, evaluation, analysis of collected materials, and preparation of a report. The elements are as follows:

Monitoring Program

The qualified archaeologist shall attend any pre-construction meetings to make comments and/or suggestions concerning the monitoring program and discuss grading plans with the construction contractor. The archaeologist shall be on-site to monitor all ground disturbance activities and to inspect for additional in situ archaeological deposits.

Evaluation Program

In the event that additional archaeological deposits are discovered, the archeologist shall have the authority to temporarily halt, direct or divert any ground disturbance operations in the area of discovery to allow evaluation of potentially significant archeological resources. The significance of the discovered resources shall be determined by the archeologist in consultation

with the Redevelopment Agency staff. For significant archaeological resources, a research design and data recovery program shall be prepared and carried out to mitigate impacts. At the time of discovery, the archaeologist shall notify the State Office of Historic Preservation (SHPO) and the Redevelopment Agency staff. SHPO and the Redevelopment Agency must concur with the evaluation procedures to be performed before construction activities are allowed to resume. Any human bone of Native American origin shall be turned over to the appropriate Native American group for reburial.

#### Analysis of Collected Materials

All collected cultural remains shall be cleaned, catalogued and permanently curated with an appropriate scientific institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species. Specialty studies shall be completed as appropriate.

#### Report Preparation

A monitoring report with appropriate graphics shall be prepared and submitted to SHPO and the Redevelopment Agency summarizing the results of the above program within three months following termination of the archaeological monitoring program.

- c. The construction contractor shall notify the Redevelopment Agency of any pre-construction meeting dates and of the start and end of construction. For questions regarding the SOPA-certified archaeologists, the Redevelopment Agency shall be contacted. Selection of the SOPA-certified archaeologist, or equivalent, shall be approved by the Redevelopment Agency.
22. As a condition of this permit, easements must be reserved for all public utilities and franchise facilities within the right-of-way, or the facilities must be relocated, in a manner satisfactory to the affected utility companies.
23. As a condition of this permit, public improvements, which include curb, gutter, sidewalk, and asphalt paving, must be assured, by permit and bond, across the vacated Dewey Street right-of-way at Main and Newton Streets and across the vacated alley right-of-way at Evans Street, in a manner satisfactory to the City Engineer.



24. As a condition of this permit, adequate fire access must be retained for the existing structure at 1120 Dewey Street until the structure has been relocated or demolished, in a manner satisfactory to the Fire Department.
25. As a condition of this permit, through access, satisfactory to the City Engineer, must be retained for the alley in Block 95, Map 209. An alternate outlet at the south end of the alley may be provided but must be dedicated to the City and improved in a manner satisfactory to the City Engineer. Any dedication provided as an alternate access shall remain open to public use until such time as the entire alley in Block 95 is vacated by City Council action or another through access is provided in a manner satisfactory to the City Engineer.
26. As a condition of this permit, no building permits may be approved until approval is granted from the City Council for the vacation of Dewey Street between Main and Newton Streets and vacation of the alleys which bisect the project site.
27. As a condition of this permit, the proposed day care facility shall comply with all City regulations for child care facilities according to Section 101.0580 of the San Diego Municipal Code. The application for approval may be submitted as part of the building permit and may be approved administratively. The application shall consist of written documentation and photos to demonstrate compliance with the regulations specified in Section 101.0580(E) of the San Diego Municipal Code.
28. As a condition of this permit, final design of the proposed urban park shall be reviewed by the Park and Recreation Department and may be subject to review by the Park and Recreation Board if it is determined that the site is a public park.
29. This Barrio Logan/Coastal Development Permit shall become effective on the date approved by the City Council. The project is not within the appealable area to the State Coastal Commission.
30. This Barrio Logan/Coastal Development Permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.
31. This development proposal will require the recordation of a lot-line adjustment/consolidation parcel map encompassing the area to be vacated and the residential development site.
32. Prior to the issuance of any building permits, the applicant shall assure that an on-site loading zone (parking spaces)

is provided for the day care facility at a rate of one (1) parking space per twelve (12) students during the peak hours of operation.

33. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation and replacement of curb and sidewalk, adjacent to this site on Newton Avenue, Evans Street and Main Street, satisfactory to the City Engineer.
34. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a 20-foot radius curb and pedestrian ramp at the corner of Evans Street/Main Street, adjacent to this site, satisfactory to the City Engineer.
35. Prior to the issuance of any building permits, the applicant shall dedicate additional right-of-way, as necessary, to provide a minimum ten-foot curb-to-property-line distance at the corners of Evans Street/Newton Avenue and Evans Street/Main Street, satisfactory to the City Engineer.
36. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a pedestrian ramp on the south side of Newton Avenue, opposite Dewey Street, satisfactory to the City Engineer.
37. Prior to the issuance of any building permits and upon approval of the Dewey Street vacation, the applicant shall assure to the satisfaction of the Planning Director and the City Engineer, that alternative pedestrian access is provided through the public park adjacent to this development following the vacation of Dewey Street. This alternative access shall be permanently maintained and opened to the public from dawn until dusk.
38. The driveways on Newton Avenue and Evans Street shall be constructed with a 24-foot width, satisfactory to the City engineer. Gated access at these driveways shall not be permitted unless adequate queuing is provided satisfactory to the City Engineer.
39. Prior to the issuance of any building permits, the applicant shall obtain an encroachment removal agreement, from the City Engineer, for the proposed doorway steps located in the public right-of-way. This condition does not constitute approval of the encroachment removal agreement, which requires separate application.
40. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

41. The developer shall relocate the 12-inch water main in Dewey Street from Newton Avenue to Main Street, satisfactory to the Water Utilities Director.
42. The developer shall provide a sewer study satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that the grade of the mains will provide adequate capacity and cleansing velocities.
43. The developer shall install all facilities, as required by the approved sewer study.
44. The developer shall grant to the City 15-foot-wide water and 15-foot-wide sewer easements, as necessary, to accommodate the relocation of the water and sewer facilities, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over the easement without first obtaining an encroachment removal agreement from the City Engineer.
45. Prior to the issuance of any building permits, the applicant shall:
  - a. Ensure that the building address numbers are visible and legible from the street (Uniform Fire Code (UFC) section 10.208).
  - b. Show the location of all fire hydrants on the plot plan (UFC section 10.301).
  - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC section 10.207).
  - d. Provide building sprinkler system; refer to Fire Prevention Policy No. S-86-12 (UFC Article 81).
46. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
47. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
48. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
49. This Barrio Logan/Coastal Development Permit shall become effective on the date approved by the City Council. The

project is not within the appealable area to the State Coastal Commission.

50. 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.

APPROVED by the Council of The City of San Diego on March 23, 1993 by Resolution No. R-281669.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor  
The City of San Diego

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

STATE OF CALIFORNIA )  
  ) ss.  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw SUSAN GOLDING known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

**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 Metropolitan Area Advisory Committee  
Owner/Permittee

By\_\_\_\_\_

By\_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.**

R-281669

533A

MAR 2 1993

Passed and adopted by the Council of The City of San Diego on .....  
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California.

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

(Seal)

By Blenda B. Baines Deputy.

Office of the City Clerk, San Diego, California

Resolution B-281669 Adopted MAR 2 1993  
 Number ..... Adopted .....