

(R-94-1718)

RESOLUTION NUMBER R- 283926

ADOPTED ON MAY 17 1994

GRANTING SOUTHEAST DEVELOPMENT PERMIT NO. 93-0146.

WHEREAS, The City of San Diego, Owner/Permittee, filed an application for a Southeast Development Permit to construct the Valencia Branch Library, a new 26,200-square-foot library facility located at the northeast corner of 51st Street and Market Street, described as Lots A through H, Block 22, Las Alturas Unit No. 5, Map No. 2053, in the Single-Family Zone of the Southeast San Diego Planned District; and

WHEREAS, on MAY 17 1994, the City Council of The City of San Diego considered Southeast Development Permit No. 93-0146 pursuant to Section 103.1702 of the Municipal Code of The City of San Diego; NOW, THEREFORE,

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

1. That the City Council adopts the following written Findings, dated MAY 17 1994:

- a. The proposed use and project design of the new library meet the purpose and intent of this Division and the Southeast San Diego Community Plan, which designates this site for institutional uses, and will not adversely affect the Southeast San Diego Community Plan, the General Plan or other applicable plans adopted by the City Council.

- b. The proposed library development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community is achieved as far as practicable.
 - c. The proposed library use, because of 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.
 - d. The proposed library use will comply with the relevant regulations in the San Diego Municipal Code, excepting two variances to Section 103.1705 of the Municipal Code. As the site topography consists of minimal flat, buildable areas, and there exists a high potential for paleontological resources on site, the variances are to allow a portion of the building to encroach into the 15'-0" front yard setback along 51st Street, and to allow the parking area to observe a 7'-0" side yard setback along Market Street, where 10'-0" is required, in order to minimize grading of the bluff adjacent to the proposed building pad area.
2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

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BE IT FURTHER RESOLVED, that, based on the Finding hereinbefore adopted by the City Council, Southeast Development Permit No. 93-0146, is hereby GRANTED TO Owner/Permittee in the form and with the terms and conditions set forth in Southeast Development Permit No. 93-0146, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett
Stuart H. Swett
Senior Chief Deputy

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FORM OF:
DRAFT
SOUTHEAST DEVELOPMENT PERMIT NO. 93-0146
VALENCIA PARK BRANCH LIBRARY
CITY COUNCIL

This Southeast Development Permit is granted by the City Council of The City of San Diego to The City of San Diego, Owner/Permittee, under the conditions in Section 103.1706 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a new 26,200-square-foot library facility located at the northeast corner of 51st Street and Market Street, described as Lots A through H, Block 22, Las Alturas Unit No. 5, Map No, 2053, in the Single-Family Zone of the Southeast San Diego Planned District.
2. The facility shall consist of the following:
 - a. A new 26,200-square-foot library facility;
 - b. Variances to Section 103.1705 of the Municipal Code to allow a portion of the building to encroach into the 15'-0" front yard setback along 51st Street, and to allow the parking area to observe a 7'-0" side yard setback along Market Street, where 10'-0" is required;
 - c. Off-street parking;
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 132 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated XXXXXXXX, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.
4. No permit for construction 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 ^{SE}Planned Development Permit is recorded in the office of 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 XXXXXXXXXXXX, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for 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 XXXXXXXXXXXX, 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.

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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 Southeast 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 Section 101.0910 of the Municipal Code.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

11. Paleontological Mitigation.

In order to avoid or mitigate potential significant impacts to valuable paleontological resources, the following measures are a condition of project approval:

- a. The Library Department shall provide verification that a qualified paleontologist has been retained to implement the paleontological mitigation program. The verification shall be presented in a letter from the paleontologist to the Principal Planner of the Environmental Analysis Section prior to construction activities (A qualified paleontologist is defined as an individual with a M.S. Ph.D. in paleontology or geology and who is a recognized expert in the application of paleontological procedures and techniques such as screen washing materials, identification of fossil deposits, etc.).
- b. The qualified paleontologist shall attend the pre-grading meeting to consult with the excavation and grading contractors. The paleontologist duties shall encompass four elements: 1) monitoring; 2) salvaging; 3) preparing collected materials for deposit at a scientific institution with paleontological collections; and 4) preparing a letter report. These elements are as follows:

A) Monitoring Program

A paleontological monitor or paleontologist shall be on-site during the original cutting of previously undisturbed sediments of the San Diego Formation to inspect for contained fossils. This is necessary to determine the nature of the material and to determine the extent of fossils present. The material also shall be screened for any vertebrate remains. The monitoring shall be at least half-time at the beginning of excavation and grading, and the time either increased or decreased depending on the initial results (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials). The paleontological monitor shall work under the direction of the qualified paleontologist.

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B) Salvaging Program

In the event that well-preserved fossils are discovered, the paleontologist (or monitor) shall be given the authority to temporarily direct, divert or halt construction activities in the area of discovery to allow recovery of fossil remains in a timely fashion. This is anticipated to take a minimum of one hour to a maximum of two days. EAS must concur with the salvaging methods to be performed before construction activities are allowed to resume.

C) Preparation Program

Fossil remains shall be cleaned, sorted and catalogued, and then shall be deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum.

In this case, the Library Department has agreed to work with the San Diego Museum of Natural History to develop interpretive exhibits at the library and to use the resource for educational purposes. The resources that are not curated at the library are required to be deposited at a suitable curation facility.

d) Letter Report

A brief letter report (with map showing site locations) shall be prepared and submitted to EAS summarizing the above program.

This required mitigation program shall be noted on the grading plans. Prior to the approval of construction/grading plans, EAS shall review the plans to ensure the notation has been provided.


12. Prior to the issuance of building permits, building address numbers shall be visible and legible from the street (UFC 10.208), the location of all fire hydrants shall be shown on the plot plan (UFC 10.301), and the installation of on-site fire hydrant(s) may be necessary.

13. All future planting and irrigation plans for this project will need to be submitted to the Park and Recreation Department (Park Development Division and Open Space Division) for review and acceptance.

14. Market Street is classified as a future four-lane major street, from Euclid Avenue to Radio Drive, and should be accommodated in conjunction with the construction of the Valencia Library. Market Street should be constructed adjacent to this site with curb, gutter, sidewalk, half-width street pavement, off-site transition at a minimum four-to-one (4:1) ratio, and installation of a pedestrian ramp at the corner of Market Street and 51st Street, satisfactory to the City Engineer. The curb line should be set at 39 feet from centerline of Market Street.

15. The driveways on Market Street shall be 30 feet in width. The westerly driveway should be aligned with the one-way drive aisle to the north.

16. This Southeast Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

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17. This Southeast 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.

18. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit 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 U.S.C. Section 1531 et seq.).

Passed and Adopted by the City Council on XXXXXXXXXXXXXXXX.

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