

RESOLUTION NUMBER R-286259

ADOPTED ON AUGUST 15, 1995

WHEREAS, Southeastern Economic Development Corporation, Owner/Permittee, filed an application with the Development Services Department for a Southeast Development Permit to implement a 33 parcel single-family detached residential subdivision and associated public and private improvements (as described in and by reference to conditions of approval and the corresponding Exhibit "A" for Southeast Development Permit No. 94-0622) on a vacant seven-acre site, legally described as a portion of Lots 3-9, 32-36, 38-42, and 44-48 of Parcel Map 2208; and portions of Alpha Street (as dedicated) and Beta Street (as dedicated. The project site is located north of Beta Street between 38th Street and 41st Street, in the Southeast San Diego Community Plan area, in the SF-5000 zone; and

WHEREAS, on August 15, 1995, the Council of The City of San Diego considered Southeast Development Permit No. 94-0622 pursuant to Municipal Code section 103.1705; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Southeast Development Permit No. 94-0622:

1. The proposed use and project design meet the purpose and intent of this division and the Southeast San Diego Community Plan, the Southeast San Diego Planned District Ordinance ("PDO"),

and will not adversely affect the General Plan or other applicable plans adopted by the City Council.

As designed, the project will fully comply with land use and development design guidelines in effect for this site per the adopted Southeast San Diego Community Plan, the Southeast San Diego Planned District Ordinance, the existing SF-5000 zone, and the City's Progress Guide and General Plan.

The project design also complies with minimum lot dimensional standards for street frontage, lot width and lot area as specified by the underlying SF-5000 zone. However, some of the 33 lots within the subdivision (parcels 1, 14-16 and 30-33) have been designed with less than the zone required minimum lot depth of 95 feet, including one residential parcel with a mean lot depth of 70 feet (Parcel 1).

In addition to proposed deviations of zone required lot depth, the project design also proposes to deviate from the required standards for maximum diagonal house plan dimensions per Section 103.1705.D.6 of the Southeast San Diego PDO. This particular standard of the PDO requires that a maximum diagonal house plan dimension of 125 percent of street frontage be maintained for homes on parcels that have a frontage less than 50 feet in length and; a maximum diagonal plan dimension of 100 percent of street frontage for homes on parcels that maintain frontages in the range of 50-100 feet.

The general intent of this section of the PDO is to encourage proposed developments in the community to achieve adequate standards for residential building articulation. As

proposed, approximately half of the designed residential units within the subdivision (parcels 3, 4, 6-8, 10, 16-19, 23, 25-26, 29 and 31-33) will not adhere to the preceding PDO requirement.

Although the project proposes substandard lot depths and deviations of the PDO's diagonal unit plan dimension requirements, the PDO does allow minor deviations of underlying residential zone and/or PDO regulations provided a discretionary (Southeast Development) permit is obtained and that the decisionmaker substantiates for the record that the deviations are the minimum necessary to accommodate the project design in accordance with the general purpose and intent of the PDO.

The deviations are considered by the Development Services Department to be minor and are justified based in part upon other merits of the project design, including expanded front, rear and street side yard setbacks which exceed the minimum required by the zone and which will contribute to creating a wider and more visually appealing streetscape along lot frontages on Alpha Street.

Secondly, lot sizes for the subdivision will vary between 5,182 square feet (Parcel 16) and 11,100 square feet (Parcel 27). These figures exceed the minimum 5,000 square feet required by the underlying zone and will provide a varying range of parcel shapes and sizes which will contribute to achieving an innovative subdivision design on the project site as envisioned by the community plan and by SEDC's redevelopment efforts for this area. A third justification to support the deviations are that the subdivision is proposing a total of 33 units, which is only

approximately half the maximum density (61 units) that could be achieved on this property per the existing zone and the corresponding community plan designation.

The proposed deviations are further justified by the restrictive design characteristics of the subject Phase 1 area, which is partially a result of previous action on behalf of CALTRANS to acquire and subsequently abandon right-of-way necessary to accommodate the now defunct Route 252 corridor. Consequently, the oddly shaped configuration of the project site and meandering realignment of Alpha Street through the property has negatively influenced the ability of the applicant to avoid creating undesirable pie or wedge shaped lots (i.e. parcels 1, 2, 27-29 and 33). Strict adherence to the existing zone's lot depth and the PDO's diagonal plan dimension standards would require that both the length and square footage of homes on wedge shaped lots within the subdivision be considerably reduced in size.

Considering the preceding merits of the project design and general compliance with development standards of the Southeast Planned District Ordinance, it is concluded that the proposed deviations incorporated into the project design are relatively insignificant and, therefore consistent with the general purpose and intent of the adopted Southeast San Diego Community Plan and the Southeast PDO.

2. The proposed development shall be compatible with existing and planned land uses 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.

Land uses and densities associated with the project are consistent with those of the existing single-family residential zone on the property, the adopted Southeast Community Plan, the Southeast San Diego Planned District Ordinance, and existing redevelopment programs being implemented for this area by the Southeast Economic Development Corporation. The project design shall provide the various public facilities and improvements necessary to accommodate the demands on public services at project buildout and will include building setbacks and perimeter landscaping to establish an adequate buffer between land uses and improvements on the project site and adjoining non-residential land uses to the north and east.

Therefore, the project will not constitute a disruptive element to the surrounding neighborhood or the community and will be compatible with existing land uses on adjoining properties. Architectural harmony of the project design with the surrounding neighborhood will be achieved via implementation of the various site and structural design standards incorporated into the project/permit.

3. The proposed 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.

The draft permit prepared for this project includes a number of conditions of approval relevant to project compliance with the

applicable regulations of the Municipal Code in effect for this site to assure the safety and general welfare of person residing or working in the area, including conditions to limit the type, intensity and design of development on the project site.

Additional conditions included in the corresponding Tentative Map resolution for the project would assure the provision of various public facilities on site, including non-contiguous sidewalks along both sides of Alpha Street, to achieve acceptable levels of public safety for persons residing in the surrounding area.

The proposed use is compatible with the existing and planned character of the surrounding area as prescribed by the adopted Southeast Community Plan, the Southeast San Diego Planned District Ordinance and redevelopment programs being implemented for this area by the Southeast Economic Development Corporation. Therefore, the project design would not adversely affect other property in the vicinity.

4. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

The project design complies with minimum lot dimensional standards for street frontage, lot width and lot area as specified by the underlying SF-5000 zone. However, some of the 33 lots within the subdivision (parcels 1, 14-16 and 30-33) have been designed with less than the zone required minimum lot depth of 95 feet, including one residential parcel with a mean lot depth of 70 feet (Parcel 1).

In addition to proposed deviations of zone required lot depth, the project design also proposes to deviate from the

required standards for maximum diagonal house plan dimensions per Section 103.1705.D.6 of the Southeast PDO. This particular standard of the PDO requires that a maximum diagonal house plan dimension of 125 percent of street frontage be maintained for homes on parcels that have a frontage less than 50 feet in length and; a maximum diagonal plan dimension of 100 percent of street frontage for homes on parcels that maintain frontages in the range of 50-100 feet.

The general intent of this section of the PDO is to encourage proposed developments in the community to achieve adequate standards for residential building articulation. As proposed, approximately half of the designed residential units within the subdivision (parcels 3, 4, 6-8, 10, 16-19, 23, 25-26, 29 and 31-33) will not adhere to the preceding PDO requirement.

Although the project proposes substandard lot depths and deviations of the PDO's diagonal unit plan dimension requirements, the PDO does allow minor deviations of underlying residential zone and/or PDO regulations provided a discretionary (Southeast Development) permit is obtained and that the decisionmaker substantiates for the record that the deviations are the minimum necessary to accommodate the project design in accordance with the general purpose and intent of the PDO.

The deviations are considered by the Development Services Department to be minor and are justified based in part upon other merits of the project design, including expanded front, rear and street side yard setbacks which exceed the minimum required by the zone and which will contribute to creating a wide and more

visually appealing streetscape along lot frontages on Alpha Street.

Secondly, lot sizes for the subdivision will vary between 5,182 square feet (Parcel 16) and 11,100 square feet (Parcel 27). These figures exceed the minimum 5,000 square feet required by the underlying zone and will provide a varying range of parcel shapes and sizes which will contribute to achieving an innovative subdivision design on the project site as envisioned by the community plan and SEDC's redevelopment efforts for this area. A third justification to support the deviations are that the subdivision is proposing a total of 33 units, which is only approximately half the maximum density (61 units) that could be achieved on this property per the existing zone and the corresponding community plan designation.

The proposed deviations are further justified by the restrictive design characteristics of the subject Phase 1 area, which is partially a result of previous action on behalf of CALTRANS to acquire and subsequently abandon right-of-way necessary to accommodate the now defunct Route 252 corridor. Consequently, the oddly shaped configuration of the project site and meandering realignment of Alpha Street through the property has negatively influenced the ability of the applicant to avoid crating undesirable pie or wedge shaped lots (i.e. parcels 1, 2, 27-29 and 33). Strict adherence to the existing zone's lot depth and the PDO's diagonal plan dimension standards would require that both the length and square footage of homes on wedge shaped lots within the subdivision be considerably reduced in size.

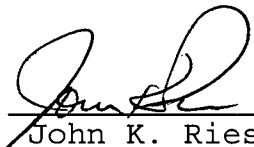
Considering the preceding merits of the project design and general compliance with development standards of the Southeast Planned District Ordinance, it is concluded that the proposed deviations incorporated into the project design are relatively insignificant and, therefore consistent with the general purpose and intent of the Southeast PDO, the adopted Southeast San Diego Community Plan, and all other applicable elements of the Municipal Code in effect for this site.

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

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Southeast Development Permit No. 04-0622 is hereby granted, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess
Senior Deputy City Attorney

JKR:pev
08/24/95
Or.Dept:Clerk
R-96-206
Form=r.permit

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SOUTHEAST DEVELOPMENT PERMIT NO. 94-0622
ROUTE 252 - PHASE 1 RESIDENTIAL

CITY COUNCIL

This permit is granted by the Council of the City of San Diego to the SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION ("SEDC"), Owner/Permittee, under the conditions contained in Section 103.1705 of the Municipal Code of the City of San Diego.

Permission is hereby granted by the Council to the referenced Owner/Permittee to implement a detached single-family residential subdivision and related improvements (as described herein) on portions of a vacant seven-acre site located north of Beta Street, between 38th Street and 41st Street, in the SF-5000 zone of the Southeast San Diego Community Plan (Southeast San Diego Planned District). The subject property is legally described as a portion of Lots 3-9, 32-36, 38-42 and 44-48 of Parcel Map 2208; and portions of Alpha Street (as dedicated) and Beta Street (as dedicated).

1. The permit shall include the total of the following facilities and site improvements as identified by size, dimension, quantity and location on the approved Exhibit "A," dated August 15, 1995, on file in the office of the Development Services Department:
 - a. Thirty-three (33) single-family detached homes; and
 - b. Associated public and private improvements to accommodate the corresponding residential development, including retaining walls, improvement of public roads via a realignment of Alpha Street (Grading Review Permit No. 94-0626), public sewer, storm drain and water facilities, and
 - c. Site landscaping; and
 - d. Accessory uses and improvements as may be determined by the Development Services Department to be consistent with the underlying zone and development standards of

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the Southeast San Diego Community Plan and the Southeast San Diego Planned District Ordinance in effect for this site.

2. Prior to the issuance of any building permits, a final subdivision map (TM 94-0622) shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering Director and Development Services Director.
3. Prior to the issuance of any building permits, complete grading, building, landscape and irrigation plans shall be submitted to the Development Services Department and SEDC for approval. Plans shall be in substantial conformance to the approved Exhibit "A." No change, modification or alterations of the approved plans/Exhibit "A" shall be made unless appropriate applications for either substantial conformance or an amendment of this permit shall have been granted by the appropriate decisionmaker.
4. The construction and continued use of this permit shall be subject at all times to the regulations of this or other governmental agencies.
5. Sixty-six (66) total parking spaces shall be provided at a ratio of two spaces per dwelling unit. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C and R's. Each space shall be maintained on the subject property in the approximate location as shown on the approved Exhibit "A."
6. Exterior radio or television antennas shall be prohibited, except for one 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.
7. No building additions, including patio covers, shall be permitted unless approved by the project's Architectural Control Committee and the Development Services Department. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
8. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
9. The permit must be utilized within 36 months after the effective date of final approval. Failure to utilize the

permit within 36 months will automatically void the permit unless an extension of time (via a noticed public hearing) has been granted by the appropriate decisionmaker. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect for the project at the time the extension is considered by the decisionmaker.

10. No development shall commence, nor shall any permit for construction be issued, until:
 - a. The Permittee signs and returns the permit to the Development Services Department;
 - b. The permit is recorded in the Office of the County Recorder.
11. If the signed permits are not received by the Development Services Department within 90 days of the decision of the Planning Commission, then the permit shall be deemed void.
12. The property included within this development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Department or the permit has been revoked by the City of San Diego.
13. This permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by either the City or Permittee.
14. This permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
15. Each phase of this development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Development Services Department.
16. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Department, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
17. Prior to issuance of a grading permit for any portion of this development, the applicant shall provide the following satisfactory to the Director, Park and Recreation Department:

- a. Owner/developer shall obtain a right of entry permit from the Real Estate Asset Department for all work proposed on dedicated park property.
 - b. Owner/developer shall design and construct improvements on dedicated park property in accordance with the requirements of the Park and Recreation Director or designated representative.
 - c. Owner/developer shall be required to pay all applicable park fees and Developer Impact Fees established by the Council.
18. All of the conditions contained in this permit have been considered and have been determined by the decisionmaker to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property (which is the subject of this permit) either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.
19. 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. However, in the event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition 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 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.
20. This permit shall be implemented in accordance with the conditions of the final map for this site (Tentative Map 94-0622).
21. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street fronting the property (Uniform Fire Code (UFC) § 10.208).
 - b. Show the location of all fire hydrants on the site plan (UFC § 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC § 10.207)
 - d. Provide temporary street signs.
22. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
 23. 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 Development Services Department.
 24. This development may be subject to impact fees, as established by the Council, at the time of issuance of building permits.
 25. This development shall comply with all applicable conditions, entitlements and development restrictions of the associated Grading Review Permit (GRP 94-0626) approved for this site.
 26. Prior to the issuance of a building permit for each parcel(s) within this development, the permittee/owner of each parcel(s) shall obtain Substantial Conformance Review (SCR) approval for each of the proposed structures from the Development Services Department. All plans submitted for SCR approval shall be consistent with relevant development criteria of the Southeast San Diego Planned District Ordinance, the Southeast San Diego Community Plan, and the specific structural and site design guidelines prepared for this project (and included by reference in the approved Exhibit "A"), including minimum/maximum requirements for setbacks, building envelope, driveways, building materials, roof forms and types, or the request for SCR shall be denied and an amendment of this permit (via a noticed public hearing before the Planning Commission) shall instead be required.
 27. 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.).

28. Final approval of this permit is subject to Council adoption of the corresponding Tentative Map (TM 94-0622), and associated Street Vacations and Dedications per SA 94-515.
29. Minimum 36-inch box street trees (as shown on the approved Exhibit "A") shall be spaced at minimum 50-foot intervals along both sides of Alpha Street as required by standards of the Citywide landscape regulations.
30. As a condition of this permit, concurrent with street improvement plans for Alpha Street, pedestrian oriented street lighting at mid-block locations and at intersections shall be installed along both sides of Alpha Street and may include dual lamp poles providing illumination on both the street and the non-contiguous sidewalk parallel to the curb.
31. Prior to issuance of grading permits, the applicant shall prepare a soil testing program to encompass the project site. The results of the program shall be submitted to the Hazardous Materials Management Division of the San Diego County Department of Environmental Health for acceptance prior to issuance of grading permits.

APPROVED by the City Council of San Diego on August 15, 1995 by Resolution No. R-286259.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

SOUTHEASTERN ECONOMIC DEVELOPMENT
CORPORATION
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

08/28/95