

RESOLUTION NUMBER R-292398

ADOPTED ON NOVEMBER 2, 1999

WHEREAS, Sunland Home Foundation, a California Corporation, Owner. and The Olson Company-San Diego, Inc., Permittee, submitted by an application to The City of San Diego to construct 51 residential units for sale as condominiums on a 3.45 acre site, located on the south side of Orange Avenue between 54th Place and Colts Way, legally described as Parcel 1, Parcel Map 14983, within the Eastern Area of the Mid-City Community Plan area, in the MR-1000 zone of the Mid-City Communities Planned District Ordinance [Mid-City PDO]; and

WHEREAS, on September 16, 1999, the Planning Commission considered Mid-City Development Permit No. 99-0322 and pursuant to Resolution No. D-2848-2-PC recommended City Council approval of the Permit; and

WHEREAS, on September 16, 1999, Laurie Riebau, as President of the El Cerritos Heights Community Council appealed the decision of the Planning Commission to the City Council; and

WHEREAS, the matter was set for public hearing on November 2, 1999, testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after approval of the above referenced project by the City Council, Sunland Home Foundation, a California corporation, transferred ownership of the property to The Olson-Orange Avenue, LLC, a California Limited Liability Company, thereby making The Olson-Orange

Avenue, LLC, the Owner/Permittee of the 54th Place and Orange Avenue Project; and

NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Mid-City Development Permit No. 99-0322:

**MID-CITY PDO (San Diego Municipal Code [SDMC] Section 103.1501)**

**1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (SDMC section 103.1501), and the following documents, as may be applicable to the project site: the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan, the Mid-City Design Plan, Design Manual for the Normal Heights demonstration area and the City Heights demonstration area, the design study for the commercial revitalization of El Cajon Boulevard, the North Park Design Study, Volume 1, Design Concept and Volume 2, Design Manual, Sears site development program; and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan or the City's Progress Guide and General Plan.** The "54th & Orange" project proposes to develop a 3.45 acre site lying vacant on the south side of Orange Avenue between 54th Place and Colts Way, for 51 residential dwelling units located in 12, 2-story structures with enclosed parking. The project density of 14.8 dwelling units per acre satisfies the Mid-City Community plan designation of 15 du/ac and the project has been determined to meet the architectural and site criteria of the Mid-City Communities Planned District Ordinance. The project as proposed, infills a long vacant site surrounded by a multitude of diverse uses, and will not be detrimental or adversely affect the community plan or surrounding neighborhood.

**2. The proposed development will be compatible with existing and planned land uses on adjoining properties and will not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable.** The 3.45 vacant MR-1000 zoned site is planned for 51 residential dwelling units to be owned as condominium units. Twelve 2-story buildings will contain the units and the attached parking. To the east across Colts Way is a high school, to the immediate north are single-family residential dwellings with a junior high school site beyond, to the west is the Colina Del Sol Park and to the south are health care facilities. The proposed development will be fenced, adequately landscaped according to code and be architecturally interesting in compliance with design criteria of the Mid-City Communities Planned District Ordinance. The project site and building design includes 862 square-feet of open space per dwelling unit where a minimum of 750 square-feet per unit is required. The development meets the intent and requirement to be compatible with existing uses and not be disruptive to the neighborhood and community. A wide array of uses in the adjoining areas presents a unique challenge to be in harmony with the area. However, by complying with

the architectural requirements, the development, as proposed, will be compatible with existing development.

**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 of the project site.** A concurrently processed tentative map identifies the development of this 3.45 acre site for 51 residential dwelling units as condominiums. Provisions for off-street parking for residents and guests, trash and recycling facilities, and the satisfaction of architectural standards and site development criteria, will assure that the development 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 area.

**4. The proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.** The development of this 3.45 acre site for the construction of 51 dwelling units for condominium purposes will comply with the Mid-City Planned District Communities Ordinance and all design guidelines applicable, satisfy the State Map Act for mapping condominium ownership parcels, satisfy provisions of the adopted Mid-City Community Plan and meet all other applicable Municipal Code provisions. The City of San Diego has developed criteria and minimum requirements for the development of the City and the goal is for development to proceed when an application exhibits compliance. There are no circumstances where this proposed project does not satisfy City requirements.

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 Permittee's contribution into the City's Habitat Acquisition Fund shall be targeted for biological mitigation within the Mid-City Communities Planned District.

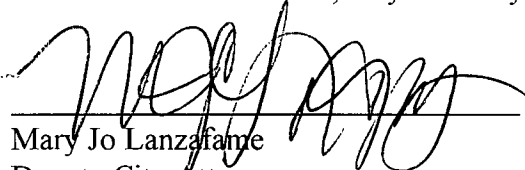
BE IT FURTHER RESOLVED, that park fees paid by the Permittee shall be targeted for improvements to lighting and improvements to the swimming pool facility at Colina Del Sol Community Park.

BE IT FURTHER RESOLVED, that the appeal of Laurie Riebau, as President of the El Cerritos Heights Community Council, is denied; the decision of the Planning Commission is sustained, and Mid-City Development Permit No. 99-0322 is hereby granted to The Olson-

Orange Avenue, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
\_\_\_\_\_  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:pev  
12/13/99  
4/4/00 Cor.Copy  
Or.Dept:Clerk  
R-2000-550  
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**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
PLANNING AND DEVELOPMENT REVIEW  
PERMIT INTAKE, MAIL STATION 501

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**MID-CITY DEVELOPMENT PERMIT (MMRP) NO. 99-0322**  
**54TH PLACE & ORANGE**  
CITY COUNCIL

This permit is granted by the Council of The City of San Diego to The Olson-Orange Avenue, LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.1501 and 111.0508. The 3.45 acre site is located on the south side of Orange Avenue between 54th. Place and Colts Way in the MR-1000 zone of the Mid-City Communities Planned District Ordinance within the Eastern Area of the Mid-City Community Plan area. The project site is legally described as Parcel 1, Parcel Map 14983.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to construct 51-residential dwelling units for sale as condominiums, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 2, 1999, on file in the Planning and Development Review Department. The facility shall include:

- a. Fifty-one multi-family design residential dwelling units within 12 buildings for condominium sale, 2-stories in height with attached garage parking, ranging in size (including garage) from 1,401 to 2,132 square-feet; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities consisting of 89 assigned resident spaces and 29 unassigned guest spaces; and
- d. A passive open space, landscaped area as a part of the overall open space requirement; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following

all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decisionmaker.

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 Permittee signs and returns the Permit to Planning and Development Review; and
- b. The permit is recorded in the office of the San Diego County Recorder.

3. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This 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.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. The issuance of this permit by The City of San Diego does not authorize the applicant 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. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 2, 1999, on file in the Planning and Development Review Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this permit have been considered and have been determined 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 the permit.

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 such an 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(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 new 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. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. The significant biological loss of 1.9 acres of the Tier III, non-native grasslands shall be mitigated by the contribution of \$23,512 into the City's Habitat Acquisition Fund. Proof of this monetary contribution is required prior to the issuance of any grading permit. A combination of acreage and monetary contribution is also adequate mitigation.

Prior to issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review [LDR] stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR.**

The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor.

The paleontologist or paleontological monitor shall be on site full time during the initial cutting of previously undisturbed and unweathered areas within the San Diego Formation. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated and the abundance of fossils.

The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

If significant fossils are detected, the paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego

Paleontological Guidelines and submitting a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recovered by the paleontologist at the San Diego Natural History Museum.

Prior to the issuance of a certificate of occupancy, a paleontological monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to LDR for approval. Where appropriate a brief, negative result letter would satisfy this requirement.

#### **ENGINEERING REQUIREMENTS:**

12. This Mid-City Development Permit shall conform to Tentative Subdivision Map No. 99-0322.

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

13. No fewer than 118 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 2, 1999, on file in the Planning and Development Review Department. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

14. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

15. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

16. A topographical survey conforming to the provisions of the Municipal Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

17. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

18. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager.



19. All signage associated with this development shall be consistent with Citywide sign regulations.
20. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
21. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
22. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
23. No merchandise, material or equipment shall be stored on the roof of any building.
24. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
25. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials per the Municipal Code to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated November 2, 1999, on file in the Planning and Development Review Department.
26. Anti-graffiti measures shall be utilized on all perimeter fencing and walls through a combination of surface treatments, landscaping or other methods acceptable to the City Manager. Any graffiti must be removed within 48 hours of discovery.

**LANDSCAPE REQUIREMENTS:**

27. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 2, 1999, on file in the Planning and Development Review Department. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.
28. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.
29. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation,

establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

30. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

32. This development shall be served by a system of privately maintained, unnamed private driveways, constructed in a manner satisfactory to the City Engineer.

33. The developer shall work with the Homeowners Association established for this housing development toward the development of a tot-lot/playground.

APPROVED by the Council of The City of San Diego by Resolution No. R-292398 on November 2, 1999.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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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 Olson-Orange Avenue, LLC**  
Owner/Permittee

By: The Olson Urban Housing, LLC

Its: Managing Member

By \_\_\_\_\_  
Stephen E. Olson  
Chairman of the Board

By \_\_\_\_\_  
R. Mark Buckland  
President

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

4/5/00

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