

(R-2001-986)

RESOLUTION NUMBER R-294083

ADOPTED ON OCTOBER 30, 2000

WHEREAS, Old Town Trolley Tours of San Diego by Chris Belland, Owner/Permittee, filed an application with The City of San Diego for a permit to reconstruct the Casa de Aguirre Adobe, relocate and rehabilitate the existing St. Joseph's Rectory/Convent building, demolish an existing garage and construct a carriage house and install sales/food carts for the Old Town Trolley Tours project, located at 2610 San Diego Avenue, and legally described as a portion of Lot 2, Block 452, Washington Square, Old San Diego, Miscellaneous Map No. 40, and a portion of San Diego Avenue vacated, in the Old Town San Diego Community Plan area, in the Core zone of the Old Town San Diego Planned District; and

WHEREAS, on September 14, 2000, the Planning Commission of the City of San Diego considered Old Town San Diego Planned District Permit/Resource Protection Ordinance Permit/Condition Use Permit [PDP/RPO/CUP] Permit No. 96-7903, and pursuant to Resolution No. 3005-PC voted to grant the permit; and

WHEREAS, the matter was set for public hearing on October 30, 2000, 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 PDP/RPO/CUP Permit No. 96-7903:

RESOURCE PROTECTION ORDINANCE FINDINGS - SECTION 101.0462.0011

A. The proposed development will not adversely affect the City of San Diego Progress Guide And General Plan.

The project would reconstruct the Casa de Aguirre Adobe, relocate and rehabilitate the existing St. Joseph's Rectory/Convent Building, demolish an existing garage and construct a carriage house and install a ticket booth/stand, and sales/food carts throughout the subject site. The project site would function as the headquarters for the Old Town Trolley tours.

The Old Town Trolley project site is situated on the northern corner of the intersection of San Diego Avenue and Twiggs Street with a street address of 2610 San Diego Avenue. The property is historically referred to as "a portion of Lot 2, Old San Diego, Block 452 (previously Block 40)." The project area, consisting of approximately 0.44 acres, is adjacent to the border of the Old Town Historic State Park and is within the boundary of the Old Town National Register Historic District. The property is zoned Core of the Old Town San Diego Planned District, and is within the Old Town San Diego Community Planning Area.

Formally the site of the Casa de Aguirre, an adobe building erected in 1853, the project site consists of a vacant three-car garage and a vacant three-story wood-framed building known as the St. Joseph's Rectory/Old Town Convent. The City of San Diego Historical Resources Board (HRB) has recognized the following two structures with local designations: Casa de Aguirre - HRB No. 42, and St. Joseph's Rectory/Old Town Convent - HRB No. 323.

The intent of the underlying zone is to allow for tourist oriented commercial uses. Also, the Old Town Planned District Ordinance provisions are intended to permit and encourage the preservation and restoration of buildings, structures and sites having historic value for the benefit of the people of San Diego, the State of California, and all these interested in the record of the process of western civilization. Therefore, reconstruction, relocation and rehabilitation of the subject buildings, the demolition of the existing garage, and construction of a new building will not adversely affect the City of San Diego's Progress Guide and General Plan.

B. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.

The proposed development will conform to the Old Town San Diego Community Plan and other applicable plans and polices and with the exception of parking and building setbacks, the project will conform to the Old Town San Diego Planned District Ordinance. A Mitigated Negative Declaration has been completed for the subject project. The

environmental document contains language requiring the preservation and restoration of the subject historic buildings.

The existing "Core" zone is a zone that is specific to the Old Town San Diego Planned District Ordinance. It is a mixed-use zone that allows tourist oriented commercial uses. The proposed uses for the site are allowed by the zone, but would require forty-one on-site parking spaces based on the building square footage (approximately 10,000 square feet). Section 103.0203 of the Municipal Code (Special Permits) allows the City to grant an exception to parking regulations in the Old Town San Diego Planned District when such exception is necessary to permit the preservation or the restoration of a designated historic or architecturally significant building, structure or site. The reconstruction and rehabilitation of the two historic buildings would qualify the project for an exception to the thirty-eight parking spaces that the uses in those two structures would otherwise require.

The uses proposed for the new, non-historic structure (e.g., Carriage House) would require three on-site parking spaces. However, the Conditional Use Permit Ordinance (Municipal Code section 101.0510) allows an application for a Conditional Use Permit [CUP] for any residential, commercial, industrial or institutional uses in and on historic sites. Through the CUP process any regulation of the zone (including required parking spaces) may be increased or decreased by the decision maker depending on the special circumstances of the proposal. Because the project features a trolley which moves people into and out of Old Town via mass transit rather than automobile, City Permit Staff has determined that CUP findings can be made to allow the deviation from the parking requirements for all forty-one spaces, including the three spaces required for the new retail building. The CUP has been conditioned to indicate that should the proposed trolley stop use ever cease operation, the new retail building would be removed or three parking spaces would be provided.

The Core zone of the Old Town Planned District requires a 5-foot side yard setback for one-story buildings. The proposed reconstructed Aguirre adobe will have a 0-foot side yard setback. The proposed 720 square foot new building will also have a 0-foot side yard setback. The proposed ticket booth will observe a 2-foot side yard and the ticket stand will observe a 1-foot side yard. Through the CUP process the amount of the side yard setback can be increased or decreased by the decision making body depending on the special circumstances of the proposal. The purpose and intent of the Old Town Planned District Core zone is to replicate, enhance and interpret the historic character of the Old Town San Diego area around the Old Town Plaza (Washington Square). The historic development pattern around the plaza was to have buildings built side-by-side with no setback in between. Sitting of the reconstructed and proposed new building and ticket booth and ticket stand will conform to the applicable plans, policies and ordinances.

C. The proposed development will be sited, designed, constructed, and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands.

Mitigated Negative Declaration [MND] No. 96-7903 has been prepared for the subject project. The MND did not identify environmentally sensitive land that would be impacted by this project. Therefore, development of the project will not cause impacts on environmentally sensitive lands as none exist on site.

Development of the project would involve 1,000 cubic yards of balanced cut and fill excavation with approximately 15 cubic yards of imported soil for backfilling the basement of the Rectory building. Onsite drainage would be directed into the City's existing storm drain system. Access to the site would be provided by the construction of new concrete pedestrian walkways, stamped to resemble adobe tile

D. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open space areas and will provide adequate buffer areas to protect such resources.

The subject property is located adjacent to the border of the Old Town Historic State Park. The development will be sited and designed to avoid significant environmental impacts to the State Park. The MND contains a Mitigation Monitoring and Reporting Program to address historic resources. The project will not have a significant effect on the environment as a result of revisions and project conditions that mitigate significant impacts on historical resources. Compliance with the mitigation measures will be the responsibility of the applicant.

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

According to City of San Diego's Seismic Safety Study (1995), the project area is classified as Geologic Hazard Category 53: level or sloping terrain; unfavorable geologic structure, low to medium risk. In addition, a concealed fault is mapped through the project site. As a result, a Geotechnical Investigation was prepared by Owen Geotechnical Group, Inc. (September 1998). The geotechnical investigation was coordinated with the consulting archaeologist to ensure minimal impacts to the designated historical site.

The project site consists of relatively flat topography, with a gentle slope lowering towards the southwestern section of the property. Overall gradient at the property is less than 6 percent. The geotechnical investigation identified two primary soil units on the site, an overlying fill/topsoil horizon underlain by the Bay Point Formation (Qbp) and the San

Diego Formation (Tsd) at depths greater than 25 feet below grade. Faulting on the project site was investigated by the consultant and determined to be not significant. This conclusion was based on previous investigations by Owen Consultants in 1987 of the cut bank at Hortensia Street and San Diego Avenue and across the pad north of the cut bank. The mapped, concealed fault was found to strike at an angle of roughly N45W and away from the project site and the mapped projection. The study concluded that there is a mapping error of at least 200 feet with the concealed fault shown west of the actual outcrop location. Based on the results of the geotechnical study, there appear to be no significant soil or geologic conditions potentially affecting the project site.

- F. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of the affected significant prehistoric or historic site or resource have been provided by the applicant.**

The MND contains a Mitigation Monitoring and Reporting Program to ensure that site development would avoid significant historic impacts.

The Mitigation Monitoring and Reporting Program will require a deposit of \$2,500 to be collected prior to the issuance of grading permits, building permits, and/or final maps to ensure the successful completion of the monitoring program.

Historical Resources - Casa de Aguirre Reconstruction Plan

As a condition of project approval, the applicant shall conduct a full-time historical monitoring program for the reconstruction of the Casa de Aguirre building. The monitoring program shall include modified Historic American Building Survey [HABS] Level 1 documentation and analysis of the reconstruction methods and preparation of a results report with photo documentation of the process.

Historical Resources - St. Joseph's Rectory/Convent Rehabilitation Plan

As a condition of project approval, the applicant shall conduct a full-time historical monitoring program for the stabilization, removal and relocation of the St. Joseph's Rectory/Convent building. The monitoring program shall include modified Historic American Building Survey [HABS] Level 1 documentation prior to stabilization and relocation, analysis of construction methods, and preparation of a results report with photo documentation of the relocation process.

OLD TOWN SAN DIEGO PLANNED DISTRICT FINDINGS - SECTION 103.0200

- A. The proposed use and project design meet the purpose and intent of the Old Town San Diego Planned District Ordinance (Section 103.0200), the Old Town San Diego**

Community Plan, and the Old San Diego Architectural and Site Development Standards and Criteria, and will not adversely affect the Old Town San Diego Community Plan or the Progress Guide and General Plan of the City of San Diego.

The subject property is zoned "Core" in the Old Town San Diego Community Planning area. The intent of the underlying zone is to allow for tourist oriented commercial uses. The Old Town San Diego Planned District Ordinance is intended to preserve and restore buildings, structures and sites having historic value for the benefit of the people of San Diego, the State of California, and all those interested in the record of the progress of western civilization.

The proposal to reconstruct the Casa de Aguirre adobe, rehabilitate the existing St. Joseph's Rectory/Convent building, demolish the existing garage, and construct a Carriage House meets the purpose and intent of the Old Town San Diego Planned District.

The site of the Casa de Aguirre adobe was designated as San Diego Historic Site, No. 42, on December 12, 1979. The St. Joseph's Rectory/Old Town Convent Building was designated as San Diego Historic Site, No. 323, on July 27, 1994.

The project accomplishes the intent of the Old Town San Diego Community Plan and the Old Town San Diego Planned District Ordinance, and the Old San Diego Architectural and site development standards and criteria, to recreate the historic character of the Old Town area.

B. The proposed development will comply with the relevant regulations of the San Diego Municipal Code.

With the exception of the required parking, and yard requirements, the project as proposed will comply with the relevant regulations of the underlying zone contained in the San Diego Municipal Code. Special circumstances exist to warrant deviations to the parking and yard requirements for this development. The nature of the Old Town Trolley operation is such that it delivers approximately 250,000 visitors to Old Town each year who would otherwise drive their cars and require parking. Based upon their ridership figures, a conservative estimate of over 100,000 cars per year have been eliminated from Old Town parking lots. The Old Town Trolley picks up and delivers riders from hotels and other designated tourist locations.

CONDITIONAL USE PERMIT FINDINGS - SECTION 101.0150

A. The proposed use will not adversely affect the neighborhood, the General Plan or the community plan, and if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The proposed project will serve three purposes. First, it will reconstruct the Casa de Aguirre on its historic site, pursuant to all applicable standards, as an historical element of Old Town for the benefit of and use by the public. Second, it will rehabilitate the historic convent building consistent with its 1940 form, make the building accessible to the handicapped and adaptively reuse it to serve as the Old Town Trolley tour headquarters in Old Town. And, third, the project includes a Trolley Loading area on Twiggs Street which will enable three Trolleys at a time to load and unload visitors at a safe location outside the flow of vehicular traffic. These aspects of the project establish the beneficial impacts to the community and the public welfare that will be served by this project in addition to those pertaining to the two designated historic sites.

The proposed project will continue a mass transit visitor serving program that brings 250,000 visitors to Old Town per year without their cars. The creation of the off-street loading area will increase pedestrian and vehicular safety and facilitate the flow of traffic on Twiggs Street in a congested area of Old Town.

The proposal has been designed to comply with all development regulations which pertain to such loading zones including the dedication of an 8-foot sidewalk easement on the Permittee's private property adjacent to the zone.

B. The proposed use will comply with all relevant regulations of this San Diego Municipal Code.

With the exception of the required parking and yard regulations, the proposed project will comply with the development regulations of the underlying zone contained in the San Diego Municipal Code. Special circumstances exist to warrant deviations to the parking and setback requirements for this development.

Parking Requirements

The proposed use for the site is allowed by the underlying zone but would require 41 on-site parking spaces (thirty-eight parking spaces for the Casa de Aguirre adobe and the Rectory/Convent building and three parking spaces for the new Carriage House). Section 103.0202 of the Municipal Code allows the City to grant an exception to parking regulations in the Old Town San Diego Planned District when such exception is necessary to permit the preservation or the restoration of a designated historic or architecturally significant building, structure or site. The reconstruction and rehabilitation of the two historic buildings would qualify the project for an exception to the thirty-eight parking spaces that the uses in those two structures would otherwise require.

Through the CUP process any regulation of the zone (including required parking spaces) may be increased or decreased by the decision maker depending on the special circumstances of the proposal. Because the project features a trolley which moves people

into and out of Old Town via mass transit rather than automobile, City Permit Staff has determined that findings can be made to allow the deviation from the parking requirements for all forty-one parking spaces including the three spaces required for the new retail building. The project has been conditioned to indicate that should the proposed trolley stop use ever cease operation, the new retail building would be removed or three parking spaces would be provided.

Setback Requirements

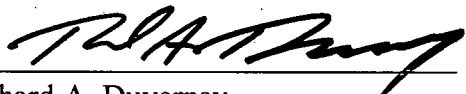
The Core zone of the Old Town Planned District requires a 5-foot interior side yard setback for one-story buildings. The proposed Casa de Aguirre adobe will have a 0-foot side yard setback. The Old Town Planned District Ordinance allows the exceptions to the setback regulations when it is for the preservation of a designated structure. The Casa de Aguirre adobe site is a designated historic site and the proposed project will be an accurate reconstruction of the original historical structure on its original site. In order to reconstruct the building according to the Secretary of the Interior's Standards for the Treatment of Historic Properties, as required by Mitigated Negative Declaration No. 96-7903 to mitigate potential adverse impact, it is necessary to reconstruct the building with a 0-foot interior side yard setback.

The proposed new Carriage House of 720 square feet building, will also have a 0-foot interior side yard setback. The proposed ticket booth will observe a 2-foot setback and the ticket stand will observe a 1-foot setback. Through the CUP process, the amount of the side yard setback can be increased or decreased by the decision making body depending on the special circumstances of the proposal. The purpose and intent of the Old Town Planned District Core zone is to replicate, enhance and interpret the historic character of the Old Town San Diego area around the Old Town Plaza (Washington Square). The historic development pattern around the plaza was to have buildings built side-by-side with no setback between. The effect was to create a "street wall" of continuous development around the entire square. This development pattern was historically continued up the streets as they radiated away from the central plaza. The project site is on one of those streets a few hundred feet away from Washington Square. In the historic period of Old Town San Diego there were "outbuildings" built on the location of the proposed new building on the side property line. The siting of the proposed buildings and ticket booth and ticket stand is therefore consistent with the purpose and intent of the regulations to replicate the historic character of the Old Town San Diego Planned District area.

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 Old Town San Diego Planned District Permit/Resource Protection Ordinance Permit/Condition Use Permit No. 96-7903 is granted to Old Town Trolley Tours of San Diego and Chris Belland, 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 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
12/18/00
Or.Dept:Clerk
R-2001-986
Form=permitr.frm
Reviewed by Judy Johnson

R-294083

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

Old Town San Diego Planned District Permit/Resource Protection Ordinance/
Conditional Use Permit No. 96-7903
OLD TOWN TROLLEY

CITY COUNCIL

This Old Town San Diego Planned District Permit [PDP]/Resource Protection Ordinance Permit [RPO]/Conditional Use Permit [CUP] is granted by the Council of the City of San Diego to Old Town Trolley Tours of San Diego and Chris Belland, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.0203, 101.0462, 101.0510.C.4.f. The 0.44 acre site is located at 2610 San Diego Avenue in the "Core" Zone Old Town San Diego Planned District of the Old Town San Diego Community. The project site is legally described as a portion of Lot 2, Block 452, Washington Square, Old San Diego, Miscellaneous Map 40, and a portion of San Diego Avenue vacated.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to reconstruct the Casa de Aguirre adobe, relocate and rehabilitate the existing St. Joseph's Rectory/Convent building, construct a carriage house and install 12 sales/food carts described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 30, 2000, on file in the Office of Planning and Development Review Department. The facility shall include:

- a. Reconstruct the 3,728 square foot Casa de Aguirre adobe building;
- b. Relocate and rehabilitate the existing 5,688 square foot St. Joseph's rectory;
- c. Demolish existing garage and construct a 720 square foot carriage house for arts and crafts retail;
- d. Construct a 60 square foot ticket booth, and a 10 square foot ticket stand;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Install twelve sales/food carts; and
- g. 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 San Diego 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 decision maker.
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 the Planning and Development Review Department; 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 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.
7. 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 October 30, 2000, on file in the Office of 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.
8. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

9. The applicant shall comply with the Mitigation Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration LDR No. 96-7903 satisfactory to the City Manager and the City Engineer. Prior to the issuance of the first grading permit, all mitigation measures as specifically called out in the MMRP shall be implemented for Historic Resources.

ENGINEERING REQUIREMENTS:

10. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

11. The drainage system proposed for this development is subject to approval by the City Engineer.

12. Prior to building occupancy, the applicant shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

13. Prior to issuance of any building permits, the applicant shall assure by permit and bond the construction of Twiggs Street in accordance with approved Exhibit "A," dated October 30, 2000, on file in the Office of Planning and Development Review Department, to the satisfaction of the City Engineer.

14. Prior to the issuance of any permits, applicant shall dedicate 10 feet adjacent to the curb turnout along Twiggs Street and shall construct within the area an 8-foot wide sidewalk to the satisfaction of the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

15. 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.

16. 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.

17. A topographical survey conforming to the provisions of the San Diego 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 regulation of the underlying zone. The cost of any such survey shall be borne by the permittee.

18. 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.

19. All aspects of the project shall be according to the application and plans marked as Exhibit "A," dated October 30, 2000, on file in the Office of Planning and Development Review Department. In particular, all windows and doors on the proposed building shall be made of wood and have wood frames, mullions and muntins. All railings, handrails, or fences visible from the public right-of-way shall be made of wood or black, forged iron consistent with the "Old San Diego Architectural and Site Development Standards and Criteria." All windows and doors shall match in appearance.

20. Exterior walls on the convent building shall be stuccoed and match the existing stuccoed wall in texture and color.

21. This permit does not include approval for any change in exterior colors for the existing building which will require separate approval from the Land Development Review Division of Development Review.

22. All landscaping, including ground cover, trees and hardscape, shall be consistent with the plant species and material as specified on Exhibit "A," dated October 30, 2000, on file in the Office of Planning and Development Review Department, and in the "Old San Diego Architectural and Site Development Standards and Criteria."

23. Prior to the issuance of any building permits, complete building plans shall be submitted to Development Review, Land Development Review Division for approval. All plans shall be in substantial conformity to Exhibit "A," dated October 30, 2000, on file in the Office of Planning and Development Review Department, and the "Secretary of the Interior's Standards and Criteria for the Treatment of Historic Properties." Subsequent to the completion of this project, no changes, modifications or alterations shall be made unless a substantial conformance determination or an amendment to this permit shall have been granted.

24. Prior to final occupancy clearance, the site shall be inspected by the City Manager for this Old Town San Diego Planned District Permit to ensure compliance with the conditions of this permit.

25. Any modifications to this structure or site, not directly approved by this permit, shall require further review by the Development Review Department and/or the City of San Diego Historical Resources Board to determine consistency with Old Town San Diego Planned District

Regulations and the "Secretary of the Interior's Standards and Criteria for the Treatment of Historic Properties."

26. If, for any reason, the proposed use of the site as a starting/stopping point for the tour trolleys should cease operation, the proposed non-historic retail building shall be removed from the site or three parking spaces shall be provided for the uses in this building in some way to the satisfaction of the Transportation Development Section of the Land Development Review Division.

27. All signage materials, colors and letter type styles shall be according to those specified in the "Old San Diego Architectural and Site Development Standards and Criteria." City-wide sign permits are required for all signs on the premises. Final clearance for all sign permits by the Land Development Review Division of the Planning and Development Review Department is required.

28. All new hardscape, including sidewalks in the public right-of-way, shall be Sombrero Buff colored concrete, clay tile, brick, or another surface treatment as specified in the "Old San Diego Architectural and Site Development Standards and Criteria."

29. Prior to installation, all outdoor lighting fixtures shall be reviewed and approved by Development Review of the City of San Diego to ensure compliance with the "Old San Diego Architectural and Site Development Standards and Criteria."

30. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Planning and Development Review Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

31. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned commercial development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding fourteen footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may require additional fees as determined by the Planning and Development Review Department Manager.

32. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

33. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination

thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

34. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

35. No merchandise, material or equipment shall be stored on the roof of any building.

36. 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.

37. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials regulations contained in the San Diego 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 October 30, 2000, on file in the Office of Planning and Development Review Department.

LANDSCAPE REQUIREMENTS:

38. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

39. Prior to issuance of any building permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 30, 2000, on file in the Office of Planning and Development Review.

40. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square feet area around each tree which is unencumbered by utilities. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 30, 2000, on file in the Office of Planning and Development Review.

41. Prior to the issuance of any engineering permits for grading, interim landscape/erosion control and permanent irrigation (if applicable) construction documents for slope revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Technical Manual and to the satisfaction of the City Manager. All plans shall be in substantial

conformance to Permit No. 96-7903 (including environmental conditions) and Exhibit "A," dated October 30, 2000, on file in the Office of Planning and Development Review.

42. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee, or subsequent owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

43. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner shall be responsible for the maintenance of all street trees and landscape improvements (private on-site, and right-of-way landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

44. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved documents within 30 days of final inspection or issuance of a Certificate of Occupancy. 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.

TRANSPORTATION REQUIREMENTS:

45. The applicant shall maintain an employee shuttle between the Old Town Trolley Station and the Kurtz Street trolley parking lot for the term of the approved CUP.

46. The curb turn-out area along Twiggs Street within the project frontage shall be designated a loading zone (white curb).

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on October 30, 2000, by Resolution No. R-294083.

12/18/00

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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.

OLD TOWN TROLLEY TOURS OF SAN DIEGO
by CHRIS BELLAND, Owner/Permittee

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

12/18/00

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