

RESOLUTION NUMBER R-296459

ADOPTED ON MAY 7, 2002

WHEREAS, Carter Reese No. 14 LP, a California Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a community plan amendment, rezone, Site Development/Mid-City Development No. 41-0464 and Tentative Parcel Map No. 41-0464 to construct a multi-story, fifty-one unit apartment complex, and to construct six multi-story rowhomes known as the Nob Hill project, located at 2330 First Avenue, north of Juniper Street, south of Kalmia Street, east of Front Street and west of First Avenue, and legally described as Lots D, E, F, G, H, I, J, and K in Block 266 of Horton's Addition, according to Map by L.L. Locking; Together with Parcel 2 of Parcel Map No. 18651, in the Mid-Cities Communities Planned District and Uptown Community Plan area, in the MR-1000B and NP-3(proposed NP-1) zones; and

WHEREAS, on March 21, 2002, the Planning Commission of the City of San Diego considered Site Development/Mid-City Development [SD/MCD] Permit No. 41-0464, and pursuant to Resolution No. 3246-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on May 7, 2002, 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 it adopts the following findings with respect to SD/MCD Permit No. 41-0464:

I. Site Development Permit - San Diego Municipal Code [SDMC] section 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The Uptown Community Plan includes a number of recommendations to achieve the stated goals and objectives, many of which this project addresses. The project meets the overall concept of the Plan to shift higher residential density away from the more isolated, lower scale neighborhoods and focus development on the major transportation corridors. Large scale developments should be limited to areas where they are more compatible with existing development patterns. Redevelopment of underutilized commercially zoned areas is encouraged by permitting residential use in these areas. Transit use is encouraged by the placement of residential units adjacent to transit routes. Pedestrian activity is encouraged by intensifying residential use within commercial areas.

Additionally, the project is also consistent with recommendations which include providing floor area ratio bonuses to encourage high intensity development along transportation corridors, limiting development intensities in the airport impact area, enhancing the existing pedestrian orientation of commercial areas through controls on the design of development; improving the design of multi-family development with offsetting building walls, screened or underground parking, minimal curb cuts, private open space and improved landscaping, and implementing land use recommendations through special zoning regulations (MCCPD) tailored to meet the needs of the area. The project also provides public right-of-way improvements which include street trees, decorative paving and pedestrian pathways.

The Residential Element of the Uptown Community Plan indicates that Uptown is characterized by the age and quality of its housing stock. Deteriorating units comprise a portion of the available housing stock. This portion is nearly double the City-wide incidence of three percent. Portions of multi-family areas west of Balboa Park have a high percentage of dwelling units in deteriorated condition. Southerly portions of the area are subject to building height limitations of the Airport Approach Overly Zone and are impacted by airport noise.

The project proposes to provide new housing stock, both for sale (single-family row houses) and multi-family apartments. This will add to the housing stock for the area and assist in the revitalization of a portion of the Uptown Community. The project will comply with relevant portions of the Comprehensive Land Use Plan [CLUP] for Lindbergh field and is within allowable intensity parameters.

The project is consistent with several objectives of the Uptown Community Plan (Page 37) including those that seek to locate medium and high density residential development in selected areas with provision of adequate design controls to provide compatibility with existing lower density development. The project also concentrates medium and high density housing adjacent to established commercial areas, near transit and higher volume traffic corridors. Design controls

have been implemented through the Site Development Permit process. The amendment of the Community Plan from medium high density residential land use to high density residential land use is consistent with this effort.

The project is also consistent with several goals of the Community Plan related to residential development including provision of a wide variety of housing types for all age, income and social groups, retention of the character of residential neighborhoods, and the prevention of the intrusion of incompatible uses into neighborhoods. The project is also sensitive to the Urban Design goals which recommend that projects enhance the diverse and unique character of the community, ensure compatibility of neighboring uses, and encourage the design of buildings and circulation systems to be sensitive to the needs of the pedestrian.

The deviations requested for the project will assist in meeting an identified need for additional housing of varying types and will provide for flexibility in design. The project will assist in implementation of urban design goals of the Community Plan by providing enhanced landscape for perimeter walls surrounding the site.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project has been reviewed by staff. Revisions have been made to the project to address concerns including those related to public health, safety and welfare. Permit conditions have been included to further address these concerns. Prior to project implementation, plans will be submitted and reviewed for compliance with applicable Uniform Codes to ensure that these concerns are further implemented in the built environment. The project is consistent with applicable requirements of the Comprehensive Land Use Plan for Lindbergh Field. Plans have been reviewed by staff representing the Airport Land Use Commission [ALUC], the San Diego Association of Governments, and the San Diego Unified Port District. No adverse comments have been received and pursuant to Land Development Code provisions, concurrence of these agencies has been established. Therefore, it is not anticipated that the proposed development will be detrimental to the public health, safety or welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project has been reviewed by staff for compliance with applicable regulations, ordinances and policies. Modifications have been made to the project to address these issues. Staff has determined that the requested deviations comply with the purpose and intent of the Mid-City Communities Planned District, and are appropriate. Conditions have been added to the draft permit to ensure that the project will comply with relevant policies, regulation and ordinances, including the Uniform Codes, upon project implementation.

II. MID-CITY (PDO) - SDMC SECTION 103.1504

1. Conformance With Community Plan and Design Manuals. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District)SDMC section 103.1501), and the Uptown Community Plan; and will not

adversely affect the Uptown Community Plan or the City's Progress Guide and General Plan. While the project does not provide a 15-foot setback along Juniper Street, as recommended in the community plan, it does meet the intent of the setback by offering other design features that create a visual entranceway into Balboa Park, such as entry stoops, balconies, trellises and landscape elements designed to enhance the visual experience of pedestrians and drivers on Juniper Street.

2. Compatibility With Surrounding Development. 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. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable. The apartments on First Avenue are "Uptown modern historic," and include common architectural elements found in the houses and commercial building of the surrounding neighborhood, notably structures clustered around a common courtyard, entry stoops, stucco exterior walls, roof parapets, eyebrow eaves, trellised patios and entries, and rusticated bases.

The row homes have been designed in the 'California Arts and Crafts' style, and incorporate sloped tile roofs, wide overhanging roof eaves, corbels, entry trellises, and articulated detailing at windows and doors. The design of the sidewalks at the project site also conforms to the historic "triple-score" patterned paving of sidewalks at adjacent properties

3. No Detriment to Health, Safety and Welfare. 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 project has been reviewed by staff. Revisions have been made to the project to address concerns including those related to public health, safety and welfare. Permit conditions have been included to further address these concerns. Prior to project implementation, plans will be submitted and reviewed for compliance with applicable Uniform Codes to ensure that these concerns are further implemented in the built environment. The project is consistent with applicable requirements of the Comprehensive Land Use Plan for Lindbergh Field. Plans have been reviewed by staff representing the ALUC, the San Diego Association of Governments, and the San Diego Unified Port District. No adverse comments have been received and pursuant to Land Development Code provisions, concurrence of these agencies has been established. Therefore, it is not anticipated that the proposed development will be detrimental to the public health, safety or welfare.

4. Adequate Public Facilities. For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by SDMC section 103.1504(h)(1)(A)(i) or 103.1504(h)(1)(A)(ii), the proposed development provides a minimum of 75-square-feet of on-site usable recreational open space area per dwelling unit. The on-site usable recreational open space area shall not be located with in any area of the site used for vehicle parking, or ingress or egress, and shall

be configured to have a minimum of ten feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities. This project is not located within an identified park-deficient neighborhood as shown on Map Number B-4101. The parks located within the Uptown Community have been determined to be adequate to serve projects in this area. Therefore this finding does not apply.

5. Adequate Lighting. In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site. Conditions have been added to the draft Permit to require project compliance with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000, to the satisfaction of the City Engineer. This will ensure provision of adequate neighborhood-serving security lighting on-site consistent with the Municipal Code.

6. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. Staff review has determined that with the conditions included in the draft permit, the project will comply with the relevant regulations in the San Diego Municipal Code. Conditions 18 and 19 ensure that the project will conform with the CLUP and AAOZ by requiring an aviation easement to permit the operation of aircraft in the airspace above the project and to acknowledge potential interference with the residents' quiet enjoyment of their property. The CLUP also limits project density to 110% of development within a one-quarter mile radius. Staff performed a density study for the project and determined that the project will not exceed the CLUP density limit.

Prior to implementation of the Project, grading and building plans will be reviewed and approved to ensure compliance with current standards, ordinances and policies of the City of San Diego and related Uniform Codes.

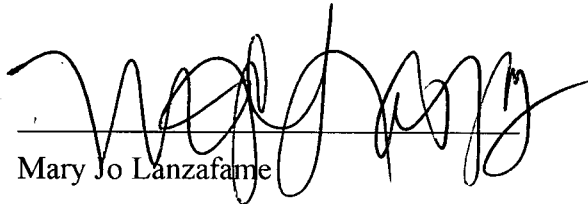
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development/Mid-City Development Permit No. 41-0464 is granted to Carter

Reese No 14 LP, a California Limited Partnership, 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

6/19/02

Or.Dept:Clerk

R-2002-1776

Form=permitr.frm

Reviewed by William Tripp

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
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 AND SITE DEVELOPMENT PERMIT NO. 41-0464
NOB HILL
CITY COUNCIL

This Permit is granted by the City of San Diego to CARTER REESE NO 14 LP, a California Limited Partnership, Owner/Permittee pursuant to the Land Development Code of the City of San Diego. The 0.92-acre site is located at 2330 First Avenue within the MR-1000(B) and NP-3 zone(s) of the Mid-City Communities Planned District and Uptown Community Plan Area. The project site is legally described as Lots D, E, F, G, H, I, in Block 266 of Horton's Addition, according to map thereof by L.L. Lockling; Together with Parcel 2 of Parcel Map No. 18651; and

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing structures and develop a fifty-one unit, multi-story apartment building fronting on First Avenue and Juniper Street, and six multi-story rowhouses fronting on Front and Juniper Streets, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated May 7, 2002, on file in the office of the Development Services Department. The facility shall include:

- a. A total of fifty-one apartment dwelling units, within four detached buildings (with connected roofs to provide fire access), totaling approximately 59,000 square-feet, including manager's office and workout room, located on the easterly portion of the site fronting on First Avenue, and six rowhouses (for-sale condominiums), totaling approximately 15,500 square-feet, located on the westerly portion of the site fronting on Front Street;
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and

- d. 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 Land Development Code in effect for this site.
- e. This Permit shall also reflect the rezoning of an easterly portion of the subject property from NP-3 to NP-1 (Mid-City Communities Planned District), as depicted on B-Sheet B-4168. This Project shall reflect approval of Community Plan Amendment, Rezone and Tentative Parcel Map No. 41-0464.

The following deviations from requirements of the Mid-City Communities Planned District Ordinance are being incorporated into the project, as noted on Exhibit "A" dated May 7, 2002, on file in the office of the Development Services Department.

- a. 15' setback along Juniper Street;
- b. 15' rear yard setback requirement;
- c. 10' front yard setback requirement;
- d. The interior side setback requirements;
- e. Required off-street parking;
- f. Required street yard;
- g. Floor Area Ratio; and
- h. Maximum diagonal plan dimension.

GENERAL REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit, rezone and tentative map, unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

- a. This Permit/Project shall comply with all associated Conditions of Tentative Map No. 41-0464 as applicable.
 - b. This Permit/Project shall comply with all associated Conditions of Rezone No. 41-0464 as applicable. Rezoning shall become effective upon obtaining building permits within three years (36 months) of the date of final City action. If building permits are not obtained within this timeframe, the property shall remain zoned NP-3, Mid-City Communities Planned District.
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 Development Services 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 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. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act (ADA)

requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

9. 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 May 7, 2002, on file in the office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

10. 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:

11. The Mitigation, Monitoring and Reporting Program [MMRP] shall require a deposit of \$450.00 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

12. The applicant shall comply with the MMRP as specified in Mitigated Negative Declaration, LDR No. 41-0464, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources

PLANNING/DESIGN REQUIREMENTS:

13. No fewer than eighty-nine off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated May 7, 2002, on file in the office of Development Services Department. Parking spaces shall comply at all times with requirements of the Land Development 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 Land Development 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. Prior to the recording of this permit, the applicant shall grant to the San Diego Unified Port District) an avigation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement. A copy of the avigation easement shall be attached to this Permit when the Permit has been signed and notarized and is returned to the office of the Development Services Department for recording with the County Recorder.



19. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement.
20. All signage associated with this development shall be consistent with Citywide sign regulations.
21. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
22. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
24. No material or equipment shall be stored on the roof of any building.
25. 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.
26. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (Land Development 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 May 7, 2002, on file in the office of the Development Services Department.
27. The Owner/Permittee agrees not to oppose the development of a Landscape Maintenance or Business Improvement District if one is ever proposed for the Uptown neighborhood which proposes the promotion of a pleasing pedestrian environment with improved pedestrian circulation and pedestrian-oriented lighting. This shall include participation on a pro rata basis in the cost of installing such lighting fixtures at such time as ornamental lighting is installed on abutting properties..

LANDSCAPE REQUIREMENTS:

28. 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.

29. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated May 7, 2002, on file in the office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

30. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (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 May 7, 2002, on file in the office of the Development Services Department.

31. 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. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. 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 the Exhibit "A," Landscape Concept Plan, dated May 7, 2002, on file in the office of the Development Services Department

32. 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 shall be obtained for the installation, establishment and on-going maintenance of all street trees.

33. 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.

34. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements, including right-of-way landscaping, consistent with the Landscape Standards and CC&R's for this development.

- a. Prior to issuance of any building permits, a copy of the CC&R's shall be provided for review by the Development Services Manager.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

ENGINEERING REQUIREMENTS:

36. Prior to 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.

37. The drainage system proposed with this development is subject to approval by the City Engineer.

38. This project proposes export of 4,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use Permit.

39. Prior to the issuance of any permits, the applicant shall assure by permit and bond the reconstruction of curb, gutter and sidewalk along Front Street, Juniper Street, and First Avenue fronting the development satisfactory to the City Engineer.

40. Prior to the issuance of any permit, the applicant shall assure by permit and bond the construction of pedestrian ramps at the northeast corner of Juniper Street and Front Street and the north west corner of First Avenue and Juniper Street satisfactory to the City Engineer.

41. Prior to the issuance of any permits, the applicant shall assure that the design of the sidewalk and driveway is in substantial conformance with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color and the material satisfactory to the City Engineer. An Encroachment Removal Agreement shall be required for the non-standard driveway finishing.

42. Prior to the issuance of the Certificate of Occupancy, the applicant shall provide evidence of a shared access agreement for the driveway between Parcel 1 and Parcel 2.

43. 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.

44. Prior to processing of the Tentative Map, the following note shall be added to the Map, "This is a map of a condominium project as defined in Section 1351 of the Civil Code of the State of California, and filed pursuant to the Subdivision Map Act. The total number of units is 6". For clarification purposes Parcel 1 of the Tentative Map is intended to accommodate the 51-unit apartment building. Parcel 2 of the Tentative Map is a map of a six-unit condominium project.

WASTEWATER REQUIREMENTS:

45. Prior to the issuance of any building permits, the developer shall assure by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

46. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

47. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.

48. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

49. Prior to the issuance of any building permits, the Owner/Permitted shall assure by permit and bond, the design and construction of new water service(s), and the removal of all existing unused services adjacent to the project site in a manner satisfactory to the Water Department Director and the city Engineer.

50. All on-site water facilities shall be private including domestic, irrigation and fire systems.

51. Prior to the issuance of any building permits, the Owner/Permittee shall provide CC&R's for the operation and maintenance of the on-site private water facilities that serve or traverse more than a single condominium unit.

52. Prior to issuance of any Certificate of Occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

53. Prior to the issuance of any building permits, the Owner/Permitted shall obtain encroachment maintenance and removal agreements for all private water facilities within public right-of-way.

54. The Owner/Permitted agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facilities Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A," dated May 7, 2002, on file in the office of the Development Services Department shall be modified to comply with standards at final engineering in a manner satisfactory to the Water Department Director and the City Engineer.

TRANSPORTATION REQUIREMENTS:

55. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000, to the satisfaction of the City Engineer.

INFORMATION ONLY

a. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, 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.

b. A Development Impact Fee (DIF) of \$800 per single-family unit is required for this project and is due at the time of building permit issuance. In the event of demolition of existing buildings on the site, the developer must provide Facilities Financing with the number of residences and/or square footage and usage information for nonresidential buildings so that credits for Development Impact and Housing Trust fees may be accurately calculated.

APPROVED by the City Council of the City of San Diego by Resolution No. R-296459, on May 7, 2002.

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.

CARTER REESE NO 14 LP
Owner/Permittee

By _____

By _____

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

 - 296459