

RESOLUTION NUMBER R-298160

ADOPTED ON JULY 1, 2003

WHEREAS, Carter Reese No. 12 LP, a California Corporation, Owner/Permittee; North Park Acquisitions, LLC, a California Limited Liability Company; Jack Huckins and Betty Huckins, Co-Trustees under trust dated 2-16-95; Union Bank, a California Corporation, Owners, filed an application with the City of San Diego for a site development permit/conditional use permit to construct a mixed-use redevelopment project consisting of residential, commercial, community center uses and associated parking with deviations to development regulations, known as the Renaissance at North Park project, located at El Cajon Boulevard and 30th Street, and legally described as Lots 15-18 and the North 40 feet of Lots 19-22 of Block 110 of University Heights, according to Map thereof made by G.A. D'Hemecourt in Book 8, Page 36, Et, Esq of Lis Pendes and Lots 23-46 of Block 110 of University Heights, according to Amended Map thereof made by G.A. D'Hemecourt in Book 8, Page 36, Et, Esq of Lis Pendes , in the Greater North Park Community Plan area, in the CN-1 and MR-800B Zones; and

WHEREAS, on June 5, 2003, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] No. 9860 and Site Development Permit [SDP] No. 9861, and pursuant to Resolution No. 3385-PC voted to recommend approval; and

WHEREAS, the matter was set for public hearing on July 1, 2003, 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 CUP No. 9860 and SDP No. 9861:

A. CONDITIONAL USE PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The Renaissance at North Park project is located within the Mid-City Communities Planned District of the Greater North Park Community Plan area. The Community Plan designates the subject property for community commercial and multi-family residential uses. The Plan addresses residential development, as a component of a mixed-use project, at a density of fifty-five to seventy-five dwelling units per acre. The Commercial Element of the Plan encourages higher residential densities along El Cajon Boulevard in order to provide increased residential development along the transit corridor and adjacent to commercial uses.

The proposed project with a total of 134 residential units on site, consisting of 96 affordable senior apartments, 14 affordable town homes and 24 market rate lane homes with approximately 13,000 square feet of commercial retail/community uses is consistent with the long range goals of the Community Plan. The project does provide an extraordinary benefit to the City's affordable housing stock while at the same time providing for additional home ownership opportunities in the immediate area. Furthermore, the project would provide a needed community center with community meeting facility. The development of market-rate and affordable residential units in conjunction with the retail component implements the goals and objectives of the Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would not be detrimental to public health, safety and welfare. The project site is located on an approximate 2.5 acre site at the corner of El Cajon Boulevard and 30th Street and encompasses much of the northwest city block. It is zoned CN-1 and MR-800B of the Mid-City Communities Planned District within the North Park Redevelopment Project of the Greater North Park Community Plan area. The site is currently developed with single and multi-family residential units, commercial buildings, a warehouse, a bowling alley and parking lots. The project site is surrounded by residential units to the north and west, commercial to the north and east and commercial to the south.

The new construction would consist of fourteen three-story affordable town homes, twenty-four market-rate lane homes, ninety-six affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street, and 236 vehicle parking spaces which include surface parking accessed from alleys and a one-story subterranean garage. All proposed development on site would comply with State and local codes and regulations for construction.

A Mitigated Negative Declaration has been prepared for this project and a Mitigation, Monitoring and Reporting Program would be implemented to reduce potential impacts to geology, hydrology/water quality, air quality, health and safety, noise, and solid waste to a level

below significance. Site Design BMPs to minimize areas of continuous, impervious footprint through use of landscape or other design techniques, utilizing an efficient subterranean parking structure which minimizes the impervious area and maximizes pervious planting areas. In addition, runoff from non-vehicle access areas of development flow through vegetation lined swales to landscape area drains/catch basins along with runoff from the roof of building structures through roof drains and to vegetation lined swales. The swales function as bio-filters by providing a porous surface for removal of contaminants, through absorption and filtration, such as fertilizers and debris prior to runoff entering the storm drain.

Other BMPs for the project include sand/oil interceptor, catch basin/trench drain inserts and permanent storm water requirements, which will be incorporated into the project design and shown on plans. The owner would enter into a permanent BMP agreement with the City of San Diego obliging the owner to maintain, repair and lace the storm water BMPs as necessary, into perpetuity.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed fourteen three-story affordable town homes, twenty-four market-rate lane homes, ninety-six affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street, and 236 vehicle parking spaces would comply with most development regulations of the Land Development Code.

The project would include deviations to development regulations as follows. For the town home portion of the proposed development, deviations have been identified for side yard setbacks, second and third story setbacks, street yard landscaping requirements, and vehicular use area landscaping and street yard landscaping. For the lane homes, deviations have been identified for the street wall height, setbacks, and vehicular use area landscaping. For the mixed-use portion of the development, deviations have been identified for street wall deviations, minimum commercial gross floor area, required exterior usable open space, landscaping for visual screening of vehicle use areas adjacent to parking, and for trees in vehicle use areas. In addition, a deviation is sought for the parking requirements should the senior housing be converted to general apartments. An additional twenty-nine vehicle parking spaces would be required in that event and the applicant is proposing no additional spaces.

The senior housing complies with the Supplemental Regulations for Senior Housing per Municipal Code Section 141.0310 and the senior units would be accessible per the California Building Code.

4. The proposed use is appropriate at the proposed location.

The proposed affordable, senior and market-rate development with commercial retail and community services is appropriate for the proposed location at 30th Street and El Cajon Boulevard. Development of the proposed project would improve land use development patterns

in the immediate area and provide economic stimulation to both the local economy in terms of both building new infrastructure, and providing affordable senior housing.

B. SITE DEVELOPMENT PERMIT:

5. The proposed development will not adversely affect the applicable land use plan.

The Renaissance at North Park project is located within the Mid-City Communities Planned District of the Greater North Park Community Plan area. The Community Plan designates the subject property for community commercial and multi-family residential uses. The Plan addresses residential development, as a component of a mixed-use project, at a density of fifty-five to seventy-five dwelling units per acre. The Commercial Element of the Plan encourages higher residential densities along El Cajon Boulevard in order to provide increased residential development along the transit corridor and adjacent to commercial uses.

The proposed project with a total of 134 residential units on site, consisting of ninety-six affordable senior apartments, fourteen affordable town homes and twenty-four market rate lane homes with approximately 13,000 square feet of commercial retail/community uses is consistent with the long range goals of the Community Plan. The project does provide an extraordinary benefit to the City's affordable housing stock while at the same time providing for additional home ownership opportunities in the immediate area. Furthermore, the project would provide a needed community center with community meeting facility. The development of market-rate and affordable residential units in conjunction with the retail component implements the goals and objectives of the Plan.

6. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project would not be detrimental to public health, safety and welfare. The project site is located on an approximate 2.5 acre site at the corner of El Cajon Boulevard and 30th Street and encompasses much of the northwest city block. It is zoned CN-1 and MR-800B of the Mid-City Communities Planned District within the North Park Redevelopment Project of the Greater North Park Community Plan area. The site is currently developed with single and multi-family residential units, commercial buildings, a warehouse, a bowling alley and parking lots. The project site is surrounded by residential units to the north and west, commercial to the north and east and commercial to the south.

The new construction would consist of fourteen three-story affordable townhomes, twenty-four market-rate lane homes, ninety-six affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street, and 236 vehicle parking spaces which include surface parking accessed from alleys and a one-story subterranean garage. All proposed development on site would comply with State and local codes and regulations for construction.

A Mitigated Negative Declaration has been prepared for this project and a Mitigation, Monitoring and Reporting Program would be implemented to reduce potential impacts to geology, hydrology/water quality, air quality, health and safety, noise, and solid waste to a level below significance. Site Design BMPs to minimize areas of continuous, impervious footprint

through use of landscape or other design techniques, utilizing an efficient subterranean parking structure which minimizes the impervious area and maximizes pervious planting areas. In addition, runoff from non-vehicle access areas of development flow through vegetation lined swales to landscape area drains/catch basins along with runoff from the roof of building structures through roof drains and to vegetation lined swales. The swales function as bio-filters by providing a porous surface for removal of contaminants, through absorption and filtration, such as fertilizers and debris prior to runoff entering the storm drain.

Other BMPs for the project include sand/oil interceptor, catch basin/trench drain inserts and permanent storm water requirements, which will be incorporated into the project design and shown on plans. The owner would enter into a permanent BMP agreement with the City of San Diego obliging the owner to maintain, repair and lace the storm water BMPs as necessary, into perpetuity.

7. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed fourteen three-story affordable town homes, twenty-four market-rate lane homes, ninety-six affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street and 236 vehicle parking spaces would comply with most development regulations of the Land Development Code.

The project would include deviations to development regulations as follows. For the town home portion of the proposed development, deviations have been identified for side yard setbacks, second and third story setbacks, street yard landscaping requirements, and vehicular use area landscaping and street yard landscaping. For the lane homes, deviations have been identified for the street wall height, setbacks, and vehicular use area landscaping. For the mixed-use portion of the development, deviations have been identified for street wall deviations, minimum commercial gross floor area, required exterior usable open space, landscaping for visual screening of vehicle use areas adjacent to parking, and for trees in vehicle use areas. In addition, a deviation is sought for the parking requirements should the senior housing be converted to general apartments. An additional twenty-nine vehicle parking spaces would be required in that event and the applicant is proposing no additional spaces.

The senior housing complies with the Supplemental Regulations for Senior Housing per Municipal Code Section 141.0310 and the senior units would be accessible per the California Building Code.

C. MID-CITY COMMUNITIES PLANNED DISTRICT FINDINGS

8. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District and the Greater North Park Community Plan and will not adversely affect the Greater North Park Community Plan or the Progress Guide and General Plan of the City of San Diego. The proposed Renaissance at North Park project is designed to meet the purpose and intent of the Mid-City Communities Planned District through

the development of quality multiple residential structures that relate in scale and size to surrounding development. The project is located within the Greater North Park Community Plan area. The Community Plan designates the subject property for community commercial and multi-family residential uses. The Plan addresses residential development, as a component of a mixed-use project, at a density of fifty-five to seventy-five dwelling units per acre. The Commercial Element of the Plan encourages higher residential densities along El Cajon Boulevard in order to provide increased residential development along the transit corridor and adjacent to commercial uses.

The proposed project with a total of 134 residential units on site, consisting of ninety-six affordable senior apartments, fourteen affordable town homes and twenty-four market rate lane homes with approximately 13,000 square feet of commercial retail/community uses is consistent with the long range goals of the Community Plan. The project does provide an extraordinary benefit to the City's affordable housing stock while at the same time providing for additional home ownership opportunities in the immediate area. Furthermore, the project would provide a needed community center with community meeting facility. The development of market-rate and affordable residential units in conjunction with the retail component implements the goals and objectives of the Plan. Further, the project would not adversely affect the City of San Diego Progress Guide and General Plan.

9. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable. The proposed project would be compatible with the existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. The site is currently developed with single and multi-family residential units, commercial buildings, a warehouse, a bowling alley and parking lots. The project site is surrounded by residential units to the north and west, commercial to the north and east and commercial to the south.

The project would consist of fourteen three-story affordable town homes, twenty-four market-rate lane homes, ninety-six affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street, and 236 vehicle parking spaces which include surface parking accessed from alleys and a one-story subterranean garage. All proposed development on site would comply with State and local codes and regulations for construction. The project does provide an extraordinary benefit to the City's affordable housing stock while at the same time providing for additional home ownership opportunities in the immediate area. Furthermore, the project will provide a needed community center with community meeting facility. The project has been designed to be compatible with the surrounding land uses with the density concentration closest to the commercial corridor of El Cajon Boulevard and 30th Street.

The project includes demolition of the Gustafson (Helig-Meyers) building, Historical Site No. 517, and reconstruction of the locally-designated, architecturally significant historical façade in accordance with Secretary of the Interior's Standards. Reconstruction would incorporate re-use

of some of the original building materials such as the glass block and marble panels. Architectural harmony with the surrounding neighborhood would be achieved with this project as the existing moderne architecture of the Gustafson building would be reflected in the new four-story senior apartment building.

10. 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 proposed project would not be detrimental to public health, safety and welfare. The project site is located on an approximate 2.5 acre site at the corner of El Cajon Boulevard and 30th Street and encompasses much of the northwest city block. It is zoned CN-1 and MR-800B of the Mid-City Communities Planned District within the North Park Redevelopment Project of the Greater North Park Community Plan area. The site is currently developed with single and multi-family residential units, commercial buildings, a warehouse, a bowling alley and parking lots. The project site is surrounded by residential units to the north and west, commercial to the north and east and commercial to the south.

The new construction would consist of fourteen three-story affordable town homes, twenty-four market-rate lane homes, ninety-six affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street and 236 vehicle parking spaces which include surface parking accessed from alleys and a one-story subterranean garage. All proposed development on site would comply with State and local codes and regulations for construction.

A Mitigated Negative Declaration has been prepared for this project and a Mitigation, Monitoring and Reporting Program would be implemented to reduce potential impacts to geology, hydrology/water quality, air quality, health and safety, noise, and solid waste to a level below significance.

11. For residential and mixed residential/commercial projects within park-deficient neighborhoods shown on Map Number B-4104 that are not exempted, the proposed development provides a minimum of 750 square feet of on-site usable recreational open space per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and 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. The proposed project is a mixed residential/commercial development not located in a facility deficient neighborhood as shown on Map Number B-4104. The project would provide a needed community center with community meeting facility and open space through out the project. The lane homes and town homes would each have private yards. The senior apartments would have landscaped and hardscaped area at the first level.

12. 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. The proposed project is located at the corner of 30th Street and El Cajon Boulevard, within

an urbanized area of the North Park neighborhood. Street lighting is currently existing within 150 feet of the project.

13. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The proposed fourteen three-story affordable town homes, twenty-four market-rate lane homes, ninety-six affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street, and 236 vehicle parking spaces would comply with most development regulations of the Land Development Code.

The project would include deviations to development regulations as follows. For the townhome portion of the proposed development, deviations have been identified for side yard setbacks, second and third story setbacks, street yard landscaping requirements, and vehicular use area landscaping and street yard landscaping. For the lane homes, deviations have been identified for the street wall height, setbacks, and vehicular use area landscaping. For the mixed-use portion of the development, deviations have been identified for street wall deviations, minimum commercial gross floor area, required exterior usable open space, landscaping for visual screening of vehicle use areas adjacent to parking, and for trees in vehicle use areas. In addition, a deviation is sought for the parking requirements should the senior housing be converted to general apartments. An additional twenty-nine vehicle parking spaces would be required in that event and the applicant is proposing no additional spaces.

The senior housing complies with the Supplemental Regulations for Senior Housing per Municipal Code Section 141.0310 and the senior units would be accessible per the California Building Code.

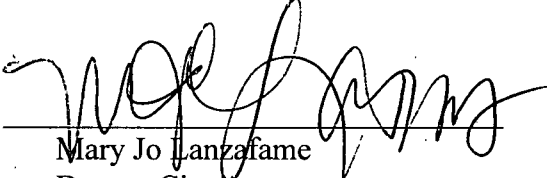
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 9860/Site Development Permit No. 9861 is granted to Carter Reese No. 12 LP, a California Corporation, Owner/Permittee; North Park Acquisitions, LLC, a California Limited Liability Company; Jack Huckins and Betty Huckins, Co-Trustees

under trust dated 2-16-95; Union Bank, a California Corporation, Owners, 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:cdk

07/02/03

Or.Dept:Clerk

R-2004-69

Form=permitr.frm

Reviewed by Jeannette Temple

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT**

**WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 420892

**CONDITIONAL USE PERMIT NO. 9860
SITE DEVELOPMENT PERMIT NO. 9861
RENAISSANCE AT NORTH PARK - PROJECT NO. 5682 (MMRP)
CITY COUNCIL**

This Conditional Use Permit and Site Development Permit, is granted by the City Council of the City of San Diego to Carter Reese No. 12 LP, a California Corporation, Owner/Permittee; North Park Acquisitions, LLC, a California Limited Liability Company; Jack Huckins and Betty Huckins, Co-Trustees under Trust Dated 2-16-95; Union Bank, a California Corporation; Owners, pursuant to sections 126.0305 and 126.0504 of the City of San Diego Municipal Code [SDMC] and the Land Development Code of the City of San Diego. The 2.5 acre site is located at 30th and El Cajon Boulevard in the CN-1 and MR-800B Zones of the Mid-City Communities Planned District, North Park Redevelopment Project within the Greater North Park Community Plan area.

The project site is legally described as Lots 15-18 and the North 40 feet of Lots 19-22 of Block 110 of University Heights, according to Map thereof made by G.A. D'Hemecourt in Book 8, Page 36, Et, Esq of Lis Pendes and Lots 23-46 of Block 110 of University Heights, according to Amended Map thereof made by G.A. D'Hemecourt in Book 8, Page 36, Et, Esq of Lis Pendes.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct a mixed-use redevelopment project consisting of residential, commercial, community center uses and associated parking with deviations to development regulations, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated July 1, 2003, on file in the Office of the Development Services Department. The facility shall include:

The demolition of existing vacant commercial structures, ten single and multi-family residential units, and small retail stores;

The construction of fourteen three-story affordable townhomes, twenty-four market-rate lane homes, ninety-six affordable senior apartments in a four-story building, approximately 13,000 square feet of commercial retail/community uses and 236 vehicle parking spaces which include surface parking and a one-story subterranean garage, totaling approximately 233,246 square feet of gross floor area;

Deviations to development regulations as listed on Exhibits "A," dated July 1, 2003, on file in the Office of the Development Services Department and contained in this Permit;

Landscaping (planting, irrigation and landscape related improvements);

Off-street parking facilities;

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 SDMC in effect for this site.

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 unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC 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:

The Permittee signs and returns the Permit to the Development Services Department;
and

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. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the 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 Americans with Disabilities 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 _____, on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) of this Permit 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 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 entitled as a result of obtaining 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" conditions 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 proposed permit can still be made in the absence of the "invalid" conditions. 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 conditions contained therein.

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

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated July 1, 2003, on file in the Office of the Development Services Department).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, Project No. 5682, 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:

- Geology
- Hydrology/Water Quality
- Air Quality
- Health and Safety
- Noise
- Solid Waste

Historical Resources (Architectural)
Historical Resources (Archeology)
Paleontological Resources

PLANNING/DESIGN REQUIREMENTS:

14. No fewer than 236 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated _____, on file in the Office of the Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

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 heights of the buildings or structures 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. Deviations to development regulations as described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated _____, on file in the Office of the Development Services Department shall include:

- a. Minimum ground floor commercial area in the CN-1 Zone;
- b. Maximum height along El Cajon Boulevard for architectural projections;
- c. Required setback for the third-story in the MR-800B zone reduced from 3'-0" required to zero feet;
- d. In event of conversion from senior apartments to market rate units, the project would be deficient twenty-nine (29) vehicle parking spaces;
- e. Landscape in the Vehicle Use Areas (VUA), Remaining Yards, visual screening and trees in the VUA;
- f. Minimum number of off-setting planes required in the CN-1 and MR-800B Zones for all three components;
- g. Street Wall requirements in the CN-1 Zone;
- h. Transparency requirements in the CN-1 Zone; and
- i. Maximum Lot Coverage in the MR-800B Zone

18. A topographical survey conforming to the provisions of the SDMC 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 Owner/Permittee.

19. 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.

20. The senior housing shall comply with SDMC section 141.0310(e), Facility Requirements for Housing for Senior Citizens.
21. Typical uses of a community center on site could include programs of community interest, lunch programs, meetings and other uses deemed appropriate by the City Manager.
22. Prior to issuance of any building permits, measured drawings and the photographic record shall be approved by Historic Resources Board staff.
23. Prior to the issuance of building permits for construction, an additional set of the Documentation Program original photographs, measured drawings and the additional information obtained during deconstruction monitoring shall be submitted to HRB staff for archiving.
24. Prior to the issuance of any building permits for construction, the elevations shall show the historic "G" sign reapplied, if salvageable, or reconstructed to match, in its historic location.
25. All signage associated with this development shall be consistent with sign criteria established by Citywide sign regulations.
26. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
27. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
28. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
29. 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.
30. 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 architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.
31. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Refuse and Recyclable Materials Storage Regulations (SDMC section 142.0801) 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 _____, on file in the Office of the Development Services Department.

LANDSCAPE REQUIREMENTS:

32. 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.

33. 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, on file in the Office of Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area".

34. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents (including planting and irrigation plans, details and specifications) consistent with the Landscape Standards Manual shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, on file in the Office of Development Services Department.

35. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) 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 forty 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.

36. 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, on file in the Office of Development Services Department.

37. 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 prior to building permit issuance, for the installation, establishment and on-going maintenance of all street trees.

38. 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.

39. 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 Manual, unless long-term maintenance of street trees and right-of-way landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

40. In this case, the Owner/Developer shall complete a Landscape Maintenance Agreement Information Form prior to the completion of the improvement drawings and submit it to

Development Services for review by a Landscape Planner. The Landscape Planner will submit to the Owner/Developer a completed Landscape Maintenance Agreement form for signatures.

41. 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:

42. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

43. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

44. This project proposes to export 17,080 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 the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

45. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

46. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

47. Prior to the issuance of any construction permit the Subdivider shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

48. Prior to the issuance of any construction permit the Subdivider shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent [NOI] filed with the State Water Resources Control Board.

49. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices [BMPs] on the final construction drawings, consistent with the approved Water Quality Technical Report.

50. Prior to the issuance of any permits, the applicant shall assure by permit and bond the construction of the alley from El Cajon Boulevard to Meade Avenue. The twenty foot alley shall have a minimum sixty foot centerline radius at the intersection of the northerly and westerly alleys satisfactory to the City Engineer.

51. Prior to the issuance of any permits, the applicant shall assure by permit and bond the construction of curb, gutter and sidewalk along El Cajon Boulevard, 30th Street, Kansas Street, and Meade Avenue satisfactory to the City Engineer.

WATER AND WASTEWATER REQUIREMENTS:

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

53. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of private back flow prevention device(s) on all existing or proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Director of the Water Department and the City Engineer, excepting therefrom any single water service serving a single dwelling unit.

54. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department and the City Engineer. Fire hydrants shall be located a minimum of five feet from any structures above, at, or below grade. Fire hydrants installed on private property shall be private.

55. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new public water facilities, into acceptable alignments and right-of-way, in the event any public water facility adjacent to the project site loses integrity due to the construction and grading activities associated with this development, in a manner satisfactory to the Director of the Water Department and the City Engineer.

56. Prior to the issuance of any certificates of occupancy, the public water facilities, including domestic, fire and irrigation services necessary to serve this development, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

57. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

58. 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.

59. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be re-designed.

60. The developer shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each 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 ownership.

61. 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.

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 ninety days of the approval of this Development Permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the City Council of the City of San Diego by Resolution No. R-298160 on July 1, 2003.

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. 12 LP, a California Corporation,

By _____
Permittee

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