

RESOLUTION NUMBER R-298228

ADOPTED ON JULY 22, 2003

WHEREAS, the Citymark Egyptian, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing non-historic bank building and partial demolition (rear portion only) of the Park Theater/Bush Egyptian Theater (Historic Resources Board [HRB] No. 351), and to construct a seven story building consisting of eighty residential condominium units, service areas, parking, and commercial lease space on portions of a .74-acre site, known as The Egyptian project, located at the southwestern corner of the intersection of University Avenue and Park Boulevard in the Hillcrest neighborhood, and legally described as Lots 9-11, 12 and 13, except the south 4½ feet, Block 239, University Heights, Map 1097; that portion of the west 25 feet of Park Boulevard, as closed by public use and vacated by Resolution No. 18061; Lots 1-4, Block 1 of Essex Place; the south 4½ feet of Lot 13, Block 239 of University Heights, Map 1151; and that portion of the west 25 feet of Park Boulevard adjoining said property on the east, as closed and vacated, in the Uptown Community Planning area, in the City of San Diego, California, in the CN-1 and CN-2 zones; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered Site Development Permit No. 012921, and pursuant to Resolution No. 3381-PC, voted to approve the Permit; and

WHEREAS, Robert Grinchuk appealed the Planning Commission's decision to the City Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on July 22, 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 Site Development Permit No. 012921:

A. SITE DEVELOPMENT PERMIT - San Diego Municipal Code Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The project proposes to develop a seven story residential, mixed-use structure above two levels of parking, the lowest level being almost fully below grade. The site is located at the southwest corner of Park Boulevard and University Avenue in the Hillcrest neighborhood in the Uptown Community Plan area. The Uptown Community Land Use Plan designates the site for mixed-use. The proposal is consistent with the land use designation for the site and will therefore not adversely affect the Uptown Community Plan or the General Plan.

The proposal also supports the following goals of the Uptown Community Plan.

Residential - Provide a wide variety of housing types for all age, income and social groups.

The project will provide seven affordable units per the affordable housing density provisions in Chapter 14 of the San Diego Municipal Code [SDMC].

Residential - Preserve structures with potential historic significance.

The project retains the designated components of the historic Park/Bush Theater.

Commercial - Provide pedestrian-oriented commercial areas.

Eighty-one (81) percent of the street facing perimeter ground floor is pedestrian oriented, commercial lease space.

Transportation - Provide a high level of transit service and promote usage.

Usage is promoted by a new bus shelter and enhanced transit stops on the sidewalks adjacent to the project.

Transportation - Increase the availability of off-street parking but not at the expense of retaining and enhancing pedestrian amenities.

Parking is accessed off the alley and Essex Street. This layout will not interfere with the primary pedestrian routes along University and Park Boulevard.

Urban Design - Ensure compatibility of neighboring uses.

The proposal reinforces the pedestrian, commercial character of University and Park, and does not impose an overwhelming mass into the neighborhood fabric.

Urban design - Encourage the design of buildings and circulation systems to be sensitive to the needs of the pedestrian.

The street faces of the project are pedestrian oriented and supportive; sidewalks that have street trees, attractive materials, planters are being provided.

2. The proposed development will not be detrimental to the public health, safety and welfare. Conditions of approval found in the Site Development Permit and the Tentative Map address health, safety and general welfare issues. To address the historic component of the Bush/Egyptian Theater a Historical Resources Archaeological Monitor Program [HAZWOPR] will be required during grading activities.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project complies with all applicable Land Development Code [LDC] Regulations, except those deviations from the Mid-City Communities Planned District Ordinance described below. The deviations, are supported by staff, because they meet the intent and purpose of the LDC.

**B. MID-CITY COMMUNITIES PLANNED DISTRICT ORDINANCE - San Diego
Municipal Code Section 103.1501**

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 (San Diego Municipal Code section 103.1501), and the following documents, applicable to the site: The Uptown Community Plan and the Progress Guide and General Plan of the City of San Diego.

General Plan/Uptown Community Plan

The City of San Diego Progress Guide and General Plan [General Plan] is a comprehensive long-term for the physical development of the City; it presents overall policies for the entire City. The

General Plan views the central area of San Diego as a regional center. The objectives for the central area include attracting the most intensive and varied land use, including office, administrative, financial, residential and entertainment; and strengthening the viability of the central area through renewal, redevelopment and new construction.

The Uptown Community Plan designates the .74-acre project site for mixed-use development with high-density residential at forty-four to seventy-three dwelling units per acre. Under the current land use designation, the proposed eighty-unit, mixed-use project could be developed with up to fifty-four residential dwelling units. However, higher residential densities may be achieved in conformance with affordable housing density bonus provisions described in Chapter 14 of the SDMC. Based on the affordable housing density bonus provision, the project could accommodate up to eighty dwelling units.

The site is also governed by the Mid-City Communities Planned District Ordinance [PDO]. The PDO establishes design and development criteria and development standards to implement the Community Plan. The project complies with all PDO development standards, with the following deviations which are supported by City staff.

Minimum Commercial Area – The minimum required commercial area for the project is 10,300 square feet. The project is proposing 7,707 square feet, primarily along the frontages of Park Boulevard and University with a 34-foot length provided along Essex Street. The primary pedestrian streets of University and Park Boulevard comply, but the Essex Street portion does not conform because of a steep downgrade off Park Boulevard, and the parking access located there. Essex is a two block long street with minimal pedestrian traffic. The majority of the street level frontage along Essex is below grade garage, with the 34 feet of commercial frontage activating the corner of Essex at Park Boulevard. The project provides substantial commercial area along the major commercial streets of University Avenue and Park Boulevard, therefore, staff supports the request for this deviation.

Pedestrian Access – The project is required to provide pedestrian entries into or through commercial areas. The project is not providing a pedestrian entry along Essex Street because a major portion of the street wall, along Essex, is the below grade parking garage. In addition, topographic changes across the site do not allow the floor area of the commercial to extend along Essex. Essex Street is only one block beyond the site, and is not considered a major pedestrian route. Due to the topographic constraints and limited pedestrian access the deviation is supported.

Offsetting Planes – The project is required to provide a total of six offsetting planes along University, six along Essex Street and seven along Park Boulevard. Each building plane is required to have a horizontal difference of 3 feet and be a minimum of 20 percent and a maximum of 60 percent of the building elevation area. The project provides three offsetting planes along University, two along Essex Street and five along Park Boulevard. The project

provides additional building planes along each of the streets to meet the intent of providing adequate relief. Some of these are two feet deep (vs. three feet to qualify) and some are less than 20 percent area. However, there is significant relief and articulation through the use of diverse building materials and projecting balconies, especially at the important Park Boulevard corners, therefore staff supports the deviation.

Transparency Along Essex – The project is required to provide 50 percent transparency along the street wall area between three feet and ten feet above the sidewalk. The project complies along University and Park Boulevard frontages. It provides approximately 25 linear feet (of the 65 feet required) of transparency along Essex Street because the below grade parking garage street wall comprises the majority of the Essex Street frontage between three and ten feet. The same constraints as described for pedestrian access entries for Essex Street restricts attractive transparency. Staff supports this deviation.

Private Exterior Usable Area – The project is required to provide private exterior usable at a minimum size of 25 square feet, with at least 50 percent of all units containing a private area. Seventy-nine of the eighty units include exterior balconies; all of them are at least 26 square feet in area, and the project averages over 50 square feet per dwelling unit, therefore staff supports the deviation.

2. 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. Architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable. The architectural massing and character of the project is sympathetic to the incorporated historic Theater, and to the surrounding building fabric, especially across Park Boulevard, where a series of structures creates a continuous storefront. The height and massing is less than the structure adjacent to the west, and residential towers nearby to the north. The proposal defines the street edge at a prominent intersection, and reinforces the south-bound gateway to Balboa Park/downtown, and the west-bound gateway into Hillcrest.

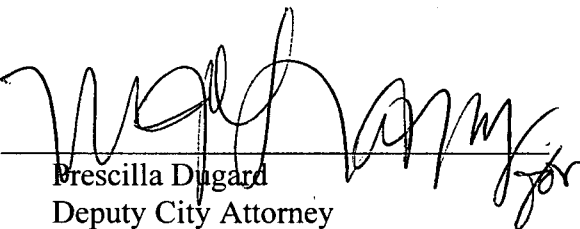
3. The proposed use, because of conditions that have been applied to it, will not be detrimental to health, safety and welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The proposal will not be detrimental to the health, safety and welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. *See A-2 above.*

4. **The proposed use will comply with the relevant regulations in the SDMC.** The proposed use of residential condominiums, service areas, commercial lease space, and parking, complies with the zoning, land development regulations and standards. *See B- above.*

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 appeal of Robert Grinchuk is denied; the decision of the Planning Commission is sustained; and Site Development Permit No. 012921 is granted to Citymark Development, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

PD:cdk:dm
08/21/03
Orig.Dept.:DSD
Job No. 41-0088
R-2004-242

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

SITE DEVELOPMENT PERMIT NUMBER 012921
THE EGYPTIAN
CITY COUNCIL

This Permit is granted by the City Council of the City of San Diego to Citymark Egyptian, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The .74-acre site is located at 3812-3830 Park Boulevard in the CN-1 and CN-2 Zones in the Uptown Community Plan area. The project site is legally described as Lots 9-11, 12 and 13, except the south 4½ feet, Block 239, University Heights, Map 1097; that portion of the west 25 feet of Park Boulevard, as closed by public use and vacated by Resolution No. 18061; Lots 1-4, Block 1 of Essex Place; the south 4½ feet of Lot 13, Block 239 of University Heights, Map 1151; and that portion of the west 25 feet of Park Boulevard adjoining said property on the east, as closed and vacated.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to demolish an existing non-historic bank building and partial demolition (rear portion only) of the Park Theatre/Bush Egyptian Theatre (Historic Review Board [HRB] No. 351) for construction of a seven-story building with eighty residential condominium units and 7,983 square feet of ground floor commercial use described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated July 22, 2003, on file in the Office of the Development Services Department. The facility shall include:

- a. Demolition of an existing non-historic bank building and partial demolition (rear portion only) of the Park Theatre/Bush Egyptian Theatre (Historic Review Board [HRB] No. 351) to construct a six-story building with eighty residential condominium units and 7,983 square feet of ground floor commercial use;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- 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 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:
 - 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. 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 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The Permittee 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 July 22, 2003, 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 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 proposed 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 applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration [MND] Project Tracking No. 5331, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources, Human Health/Public Safety/Hazardous Materials, Noise, Paleontological Resources and Water Quality.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than 153 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated July 22, 2003, 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.

13. 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.

14. 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.

15. 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 Permittee.

16. 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.

17. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

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

19. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

20. 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.

21. 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.

22. 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 July 22, 2003, on file in the Office of the Development Services Department.

LANDSCAPE REQUIREMENTS:

23. 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.

24. 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 July 22, 2003, 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.k"

25. 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.

26. 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 Exhibit "A," Landscape Concept Plan, dated July 22, 2003, on file in the Office of the Development Services Department.

27. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed lands, including irrigation, shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Exhibit "A," (including Environmental conditions), dated July 22, 2003, on file in the Office of the Development Services Department.

28. 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.

29. 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.

30. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements, including right-of-way, consistent with the Landscape Standards 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, the Owner/Developer shall complete a Landscape Maintenance Agreement Information Form 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.

31. 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.

WATER REQUIREMENTS:

32. 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.
33. 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.
34. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall 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.
35. Prior to the issuance of any certificates of occupancy, the public water facilities, 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.
36. 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," dated July 22, 2003, on file in the Office of the Development Services Department, shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

37. Prior to the submittal of any public improvement drawings, the developer shall submit calculations, satisfactory to the Director of the Metropolitan Wastewater Department, for sizing of the proposed sewer laterals from the property line to their connection with the public sewer mains.
38. 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 private or re-designed.
39. 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 condominium.
40. 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.

FIRE REQUIREMENTS:

41. Provide a residential fire sprinkler system, satisfactory to the Fire Marshal.
42. Post indicator valves, fire department connections and alarm bell shall be located on the address/main access side of the structure.
43. Provide building address numbers visible and legible from the street or road fronting the property.

ENGINEERING REQUIREMENTS:

44. This Site Development Permit shall comply with the conditions of the Final Map for The Site Development Permit (SDP 012921) shall comply with the conditions of the Final Map for The Egyptian (Tentative Parcel Map 012922).

TRANSPORTATION REQUIREMENTS:

45. The subdivider shall grant a 7 foot Irrevocable Offer to Dedicate [IOD] creating a 49 foot centerline to property line distance on University Avenue along the entire project frontage, satisfactory to the City Engineer. Note: Because the ultimate widened University Avenue right-of-way does not require slope easements, the subdivider is relieved of the requirement (per SDMC Section 62.0205) to grant a slope easement.
46. Prior to issuance of any building permit, the Permittee shall dedicate 2 feet on University Avenue, to provide a minimum of 10 foot curb to property line distance along the entire project frontage, satisfactory to the City Engineer.
47. Prior to issuance of any building permit, the Permittee shall dedicate and improve 2-foot, 6-inches along the abutting alley between Essex Street and University Avenue, satisfactory to the City Engineer.
48. Prior to issuance of any building permit, the Permittee shall install a raised median on Park Boulevard between University Avenue and Essex Street, satisfactory to the City Engineer.
49. Prior to issuance of any building permit, the Permittee shall install a raised median on University Avenue between Park Boulevard and approximately 45 feet west of the center line of the alley west of the site, satisfactory to the City Engineer.
50. 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.

MTDB REQUIREMENT:

51. Prior to construction within the Park Boulevard right-of-way, the applicant shall confer with MTDB regarding the configuration of bus stations, including the planned Transit First Showcase Project station, in order to reach an agreement on the layout, utilities, design, and maintenance.

HISTORIC REQUIREMENTS:

52. Prior to the issuance of a building permit the building colors and revised elevations showing the propylon backdrop with rectangular windows shall be brought to Historic Resources Board [HRB] staff for review and approval, with input from the Design Assistance Subcommittee and HRB if necessary.

53. Prior to the issuance of a building permit revised elevations showing the new construction's ability to reference the Egyptian style shall be submitted to staff for Design Assistance Subcommittee review.

54. Prior to the issuance of a building permit an additional set of the "Documentation Program" original photographs, not xeroxed, and the measured drawings shall be submitted to HRB staff.

APPROVED by the City Council of the City of San Diego by Resolution No. R-298228, on July 22, 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.

CITYMARK EGYPTIAN, LLC
Owner/Permittee

By _____

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