

RESOLUTION NUMBER R-298516

ADOPTED ON OCTOBER 21, 2003

WHEREAS, the City of San Diego, Owner/YMCA of San Diego County, Permittee, filed an application with the City of San Diego for a Conditional Use Permit, Site Development Permit and Multi-Habitat Boundary Line Adjustment to add approximately 21,571 square feet of building area, a 50-meter pool, parking lot, and renovate approximately 7,913 square-feet of existing building area on portions of a 8.3 acre lot known as the Friars Road YMCA project, located at 5505 Friars Road, and legally described as portions of Pueblo Lot 1101, Miscellaneous Map No. 36, in the Mission Valley Community Plan area, in the RS-1-1 and OF-1-1 zones; and

WHEREAS, on July 31, 2003, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] No. 8920 (Amendment to CUP No. 91-0215)/Site Development Permit[SDP] No. 22593/Multi-Habitat Boundary Line Adjustment [MHPA] No. 22594, and pursuant to Resolution No. 3409-PC voted to approve the Permit; and

WHEREAS, Randy Berkman of the River Valley Preservation Project, James G. Peugh of the San Diego Audubon Society, and Eric Bowlby of the Sierra Club-San Diego Chapter, appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on October 21, 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. 8920 (Amendment to CUP 91-0215)/SDP No. 22593/MHPA No. 22594:

## A CONDITIONAL USE PERMIT

1. **The proposed development will not adversely affect the applicable land use plan.** The 8.3-acre YMCA site is rectangular in shape and located on the south side of Friars Road. The San Diego River abuts the site. Adjacent to the east is a five-story multi-family development. Across Friars to the north is the Western Division Station of the San Diego Police Department. The YMCA site is designated as Public Recreation for the northern half of the site and the southern half is designated as Open Space. The boundary line for the split designations coincides with the RS-1-7 zoning to the north and the OF-1-1 zoning to the south. The Open Space designation and the OF-1-1 zone match the boundary line for the floodway within the southern portion of the site. The Community Plan recommends that a joint use public recreation facility be provided at the site. The recommendation has been implemented by requiring the YMCA to issue single-day use permits at a cost equivalent to similar City facilities.

The intent of the Open Space designation within the Mission Valley Community Plan is to preserve and protect the natural features within the community. The San Diego River is identified as the most prominent open space element in Mission Valley. "Passive recreational uses" are identified as compatible land uses within the floodway (P. 104). Several objectives are identified within the Open Space and Urban Design Elements of the Community Plan for development adjacent to floodways. These include protecting existing and future development from flood hazards; preserving and maintaining the wetlands and riparian habitat areas adjacent to the river; enhancing and maintaining the aesthetic and recreational qualities of the river corridor and utilizing design principles to enhance visual and physical access to the river.

The project proposes a one and two story addition to the existing facility to be constructed within the interior of the site in areas that are currently improved with hardscape features and landscaped areas. The lower portion of the site located with the Special Flood Hazard Area [SFHA] and currently improved with an unpaved parking area, would be replanted with native vegetation and turf for an outdoor play area.

Within the southern portion of the site adjacent to the river, the applicant proposed to adjust the Multiple Habitat Planning Area [MHPA] boundary line by removing the 0.34 acre of disturbed on-site and adding 0.45 acre consisting of 0.299 acre of disturbed wetland, 0.078 acre of southern cottonwood willow riparian forest and 0.073 acre southern riparian scrub. Additionally, an 0.08-acre vegetive wetland buffer is proposed ranging from 10 feet to 20 feet in width and three to 20 feet in height that would be established adjacent to the existing parking lot and the newly adjusted MHPA boundary area to shield headlights and noise from intrusion into the MHPA. Buffer areas, a minimum of 20'-0" in depth, are specified as the best mechanism to restrict activity adjacent to sensitive areas. The proposed development would protect existing sensitive resource areas, and enhance the area adjacent to the San Diego River as called for within the Community Plan.

No structures are proposed within the floodway. A driveway for emergency vehicles only is proposed within this area. Permit conditions will ensure that all structures comply with the OS-F-1 zone requirements and the Environmentally Sensitive Lands regulations for structures located adjacent to or within a flood fringe. The development will not result in a rise of the base



flood elevation. The development will protect existing and future development from flood hazards, an objective identified within the community plan (P. 102).

The Urban Design Element lists several design criteria for development. These include sensitive design treatments adjacent to the river such as structures that step down towards the river corridor, maintenance of visual and physical access to the river, and appropriate scale between buildings and open space areas. The proposed addition, which is primarily a one-story addition, would be located within the upper portion of the site with the front entrance and lobby area facing south towards the river. (While the project does not include a pedestrian path adjacent to the river, the proposed design does not preclude a pathway in the future.) The Community Plan further states that "Parking areas and automobile access into development should be located along non-river frontage access roads, with wide pedestrian areas and landscaping located along the river." (P. 145) The project proposes to relocate parking adjacent to Friars Road and outside of the floodway, and to provide native vegetation and turf areas next to the river.

The Progress Guide and General Plan states that "...lands included in floodplains, steep hillsides....should be permitted to develop consistent with the appropriate zoning that is applied to them.. and...the purpose and intent of regulating floodplains is to control land use and development in a manner that protects the public health, safety, and general welfare..." The Cultural and Heritage Resource Element of the Community Plan identifies the YMCA as a "new facility that will serve as a community activity center for West Mission Valley because of its facilities such as a gymnasium, arts and crafts rooms, meeting rooms and outdoor play facilities...designed to appeal to youth and adults..." (P. 145). The proposed expansion of the YMCA facility implements several goals, and objectives of the Mission Valley Community Plan and is consistent with the design criteria and guidelines for development. As such, the project will not adversely affect the land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The YMCA in Mission Valley is an existing, established facility serving the community for twenty-two years. The proposed renovations and additions will serve to upgrade the facility and provide enhanced community services to the general populace. A Mitigated Negative Declaration [MND] was prepared for the project. The MND included the review of several reports including a Biological Survey to determine potential impacts to sensitive resources, a Geotechnical Investigation to analyze existing and proposed soils conditions, a Drainage Study and Water Quality Technical Report to determine impacts to drainage and to analyze runoff pollutants associated with the project. A Traffic Impact Analysis Study was required to review trip generations, levels of service and parking requirements. The MND concluded that the project would not have a negative impact on the environment and mitigation measures were required for Land Use (Multiple Species Conservation Program) and for Water Quality only.

Project implementation requires compliance with several permit conditions relevant to achieving compliance with the regulations of the Land Development Code. The conditions have been determined by the decision-maker to be necessary to avoid adverse impacts upon the health, safety and general public welfare of persons residing or working in the area. The conditions and exhibits incorporate appropriate building/site design, parking standards, and landscaping. The project has been designed to control drainage runoff and protect the adjacent San Diego River



habitat in accordance with all applicable regulations of the Environmentally Sensitive Lands section of the Land Development Code. An existing unpaved parking lot will be relocated outside of the floodway and replaced with turfed lawn areas. The existing paved parking lot will be brought into compliance with newly adopted Storm Water Quality Standards, thereby improving drainage and water quality within the site. The proposed development will not be detrimental to the public safety and welfare.

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The project complies with all relevant regulations of the Land Development Code except for the fencing and light standards at the north end of the new 50-meter pool that would observe a 13-foot 6 inch front setback, and the placement of twenty-five parking spaces where 25 feet is required. Approval of the front setback deviation is justified due to site constraints. The floodway of the San Diego River diagonally crosses the rear half of the property, reducing the usable site area by approximately 1/3 of the site. Locating the pool any further south to accommodate the 25-foot requirement, would unacceptably place it in the floodway. Locating parking areas adjacent to roadways is consistent with a design guidelines of the Mission Valley Community Plan for sites adjacent to the San Diego River.

**4. The proposed use is appropriate at the proposed location.** The YMCA has been serving the public at this location for twenty-three years. The Mission Valley Community Plan designates this site for commercial recreation land uses.

## **B SITE DEVELOPMENT PERMIT**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed development will not adversely affect the applicable land use plan as described in Conditional Use Permit Finding "A.1." above.

**2. The proposed development will not be detrimental to the public health, safety and welfare.** The proposed development will not be detrimental to the public, health, safety and welfare, as described in Conditional Use Permit Finding "A.2." above.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with all of the applicable of the regulations of the Land Development Code with the exception of the front setback requirement as described above in Conditional Use Permit Finding "A.3."

## **C SUPPLEMENTAL - ENVIRONMENTALLY SENSITIVE LANDS:**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project has been designed to protect the San Diego River by placing all development except for lawn play areas and vegetated buffer and an emergency access road outside of the floodway located on the rear half of the property. The project will create 0.08 acre of vegetative wetland buffer along a section of the rear property line to protect on-site and adjacent habitat (southern willow scrub) from project and noise impacts. Additional mitigation measures address

the use of non-invasive landscape materials, light pollution and off-site drainage. Minimal grading is proposed as the proposed additions will occur in areas of the site that are level and already improved with paved walkways and lawn areas. The project complies with all of the environmentally sensitive lands regulations for sensitive biological resources, as well as the requirements for sites mapped as a SFHA. An existing unpaved parking lot will be removed from the floodway with project implementation. As such, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The proposed project requires only minimal land alteration. Of the 8.3-acre site, only 2.5 acres would be graded as the majority of the site is level and already developed with accessory improvements, paving and lawn areas. The Geotechnical Investigation submitted for the project indicated that the site is within Geologic Hazard Category 31 which has a high liquefaction potential. The site is also within a moderately-active seismic region and subject to hazards from earthquakes. However, the report concluded that, with proper engineering design of structures and earthwork, project implementation would not result in undue regional hazards to geologic or erosional forces. Surface runoff will be directed to a collection system to lessen erosion potential. The project complies with all of the regulations for SFHA. No development would occur within the floodway with the exception of the construction of an emergency fire lane with a suitable permeable surface. As conditioned by the permit, all proposed structures must be flood proofed. There will be no elevation changes in the base flood elevation. Permit conditions will ensure that the project complies with all codes and regulations regarding geology, flood, and fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The site is adjacent to environmentally sensitive habitat (southern willow scrub) and potential nesting habit for the endangered least Bell's vireo. The development includes measures to minimize and avoid impacts from runoff, lighting, toxic materials, and human/pet intrusion. The project will utilize non-invasive landscape materials, create a vegetative buffer for adjacent wetland areas, and restrict noise during construction to protect active breeding. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] subarea plan.** A portion of the development area at the rear of the property is located within the MHPA. A boundary line adjustment will remove 0.34-acre of on-site disturbed habitat on site and adding 0.45 acre consisting of 0.299 acre disturbed wetland, 0.078 acre of southern cottonwood-willow riparian forest and 0.073 acre southern riparian scrub. The elements of the MSCP Subarea Plan's Land Use Adjacency Guidelines have been incorporated into the design of the project. The project will create 0.08 an acre of vegetative wetland buffer along a section of the rear property line to protect on-site and adjacent habitat (southern willow scrub) from project and noise impacts. Additional mitigation measures address the issues of non-invasive landscape materials, light pollution and off-site drainage. Surface runoff will be directed to a collection system to lessen erosion potential. In addition, permit conditions will ensure that the project complies with all codes and regulations

regarding geologic, flood, and fire hazards. The development includes measures to minimize and avoid impacts from runoff, lighting, toxic materials, and human/pet intrusion and the project will utilize non-invasive landscape materials, create a vegetative buffer for adjacent wetland areas, and restrict noise during construction to protect active breeding. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project site is not situated within the immediate area of a beach or shoreline. To diminish project erosion, surface runoff will be directed to an on-site collection system.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The mitigation measures applied to this project and discussed in the above findings, are appropriate for this proposal. The mitigation measures will assure that the project will avoid the potentially adverse project effects identified in Environmental Mitigated Negative Declaration No. 5501.

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

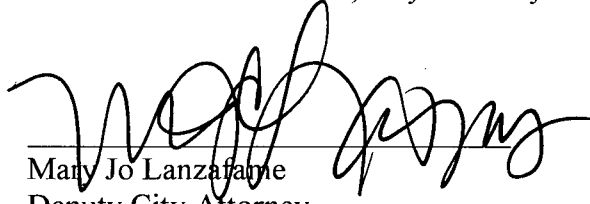
BE IT FURTHER RESOLVED, that the appeal of Randy Berkman of the River Valley Preservation Project, James G. Peugh of the San Diego Audubon Society, and Eric Bowlby of the Sierra Club-San Diego Chapter is denied; the decision of the Planning Commission is sustained; and Conditional Use Permit No. 8920 (Amendment to Conditional Use Permit No. 91-0215)/Site Development Permit No. 22593/Multi-Habitat Boundary Line Adjustment No. 22594 is granted to the City of San Diego, Owner/YMCA of San Diego County, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.



BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on Exhibit A: C-1, Concept Grading Plan Sheet 9 of 12, is approved.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame  
Deputy City Attorney

MJL:pev  
04/22/04  
Or.Dept: Clerk  
R-2004-955



**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 8920  
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 91-0215)  
SITE DEVELOPMENT PERMIT NO. 22593  
MULTI-HABITAT PLANNING AREA  
BOUNDARY LINE ADJUSTMENT NO. 22594  
**FRIARS ROAD YMCA – PROJECT NO. 5501 [MMRP]**

CITY COUNCIL

This Conditional Use Permit [CUP] No. 8920 (Amendment to CUP No. 91-0215)/Site Development Permit [SDP] No. 22593/Multi-Habitat Planning Area Boundary Line Adjustment No. 22594 is granted by the City Council of the City of San Diego to the City of San Diego, Owner, and YMCA of San Diego County, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0301 and 143.0100. The 8.3 site is located at 5501 Friars Road in the RS-1-1 and OF-1-1 zones of the Mission Valley Community Planning Area. The project site is legally described as portions of Pueblo Lot 1101, of Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to expand the existing YMCA facility in two phases as indicated on Exhibit "A." The project involves the construction of approximately 21,571 square feet of building space, a 50-meter pool, and parking lot, and the renovation of approximately 7,913 square feet of existing building area described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated October 21, 2003, on file in the Development Services Department. The exhibits, referred to as Exhibit "A," are identified as follows:

- A-1: Site Plan
- A-2: Disability Access and Sign Plan
- A-3: Floor Plan
- A-4: Exterior Elevations
- A-5: Exterior Elevations/Site Sections
- A-6: Photographic Survey
- L-1: Landscape Development Plan



- L-2: Landscape Development Plan (Legend)
- C-1: Concept Grading Plan
- C-2: Median Friars Road Offset
- C-3: Existing Topographic Features
- C-4: Horizontal Control Plan

The expanded facility will result in a 57, 301-square-foot building and shall include:

- a. Construction of 21,571 square feet of building area for recreation related purposes including a community room, fitness facilities, program support areas, administrative offices, and restroom facilities, to the existing 35,730-square-foot facility;
- b. Demolition of 2,801-square-foot portion of the existing structure;
- c. Interior renovation of 7,913 square feet of the existing structure;
- d. Construction of a new 140-space parking lot adjacent to Friars Road;
- e. Removal of four tennis courts and one in-line hockey rink;
- f. Removal of an existing unpaved parking lot within the Special Flood Hazard Area;
- g. Planting of turfed areas and a Multi-Habitat Vegetated Buffer (current location of the unpaved parking lot) within the floodway;
- h. Deviation to allow fencing, light standards and twenty-six parking spaces within the front setback adjacent to Friars Road;
- i. Existing improvements/services as follows: An existing 8,743-square-foot, indoor pool; fenced outdoor play area with play equipment; a 240-space parking lot; and a soccer field (to be relocated to the interior of the lot); a variety of community based services including a summer day camp;
- j. Landscaping (planting, irrigation and landscape related improvements);
- k. Off-street parking facilities; and
- l. 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.



**STANDARD 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 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 agency.
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 applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit C-2. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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.

10. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

11. 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.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. As conditions of Conditional Use Permit No. 8920, Site Development Permit No. 22593, and Multiple Habitat Boundary Adjustment No. 22594, the mitigation measures specified in the MMRP, and outlined in the MND No. 5501 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/ MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in MND No. 5501 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Water Quality
- Land Use (MCSP)

**ENGINEERING REQUIREMENTS:**

15. A portion of this project has been identified as being within the Floodway of a Special Flood Hazard Area [SFHA]. No increases to base flood elevations are allowed. A

Registered Professional Engineer shall submit a "no rise" certification along with a detailed engineering analysis to substantiate the certification. The analysis is subject to the approval of the City Engineer.

16. No structures except those allowed by Land Development Code section 131.0222 (Use Regulations for Open Space Zones) shall be built within the Floodway.

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

18. The proposed permeable concrete pavement concept and design is subject to approval by the City Engineer.

19. This project proposes to construct nonresidential structures within the flood fringe of a SFHA for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1968 F. All structures built within the SFHA must be constructed with the lowest floor elevated a minimum of two feet above the base flood elevation [BFE] at that location. Otherwise, the structures must be flood proofed to a minimum of two feet above the BFE.

20. If the structures will be elevated on fill, such that the lowest adjacent grade is at or above the BFE, the applicant must obtain a Letter of Map Revision based on Fill [LOMR F] prior to occupancy of the building. The developer must provide all documentation, engineering calculations, and fees which are required by the Federal Emergency Management Agency [FEMA] to process and approve the LOMR F.

21. Fill placed in the SFHA for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.

22. If the structures will be floodproofed, they must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3 93. Additionally, a registered civil engineer or architect must certify prior to occupancy that those requirements have been met.

23. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the San Diego Municipal Code [SDMC] in a manner satisfactory to the City Engineer.

24. This project proposes to export 7000 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.

25. Prior to the issuance of any construction permit, the Applicant shall incorporate and show the type and location of all post construction Best Management Practices [BMP's] on the final construction drawings, consistent with the approved Water Quality Technical Report.
26. Prior to the issuance of any construction permit, the Applicant Subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
27. Prior to the issuance of any construction permit the Applicant 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.
28. Prior to building occupancy, the applicant shall conform to SDMC section 62.0203, "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.
29. The drainage system proposed for this development, including the on site detention facilities, as shown on the site plan, is subject to approval by the City Engineer.
30. As a condition of approval of the pervious concrete pavement in the parking lot, applicant shall submit an annual report prepared by a registered civil engineer on the performance of the pervious concrete pavement. The report shall highlight the performance for any rainfall event greater than or equal to a two year, six hour rainfall event. The report shall be submitted to the city engineer yearly and not to exceed five years. The report shall be due June 30 and after construction of the parking lot. Documents shall be in substantial conformance with Exhibit "A." No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

**TRANSPORTATION DEVELOPMENT REQUIREMENTS:**

31. For Phase I, no fewer than 305 off-street parking spaces shall be maintained on the property within the approximate location shown on Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing y the City Manager.
32. For the completion of Phase II no fewer than a total of 395 off-street parking spaces including eight accessible spaces, eight motorcycle spaces, and twelve bicycles parking spaces shall be maintained on the property for the both phases, within the approximate location shown on Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing y the City Manager.



33. Prior to the issuance of the first building permit, the applicant shall assure by permit and bond, construction of the full-width raised median on Friars Road, satisfactory to the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

34. 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 a 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.

35. 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.

36. 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

37. 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.

38. All signage associated with this development shall be consistent with sign criteria established by the approved project sign plan (Exhibit "A-2," dated October 21 2003, on file in the office of the Development Services Department).

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

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside

the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/ Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may require additional fees as determined by the City Manager.

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

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

42. 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.

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

44. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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-1."

45. Outdoor storage of merchandise, material and equipment shall be screened from view. There shall be no storage in the area subject to the 100-year flood level.

**WASTEWATER REQUIREMENTS:**

46. The developer shall design and construct any 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 redesigned.

47. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

48. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

49. No trees or shrubs exceeding three feet in height at maturity shall be located within ten feet of any public sewer facilities.

50. 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:**

51. 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 services, within the Friars Road right of way adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

52. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on all existing and proposed water services within the development, in a manner satisfactory to the Director of the Water Department and the City Engineer.

53. 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.

54. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner the Director of the Water Department and the City Engineer.

55. The Owner/Permittee 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 Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

**MSCP REQUIREMENTS:**

56. 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. Section 1531 et seq.).

57. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game





Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. RR- 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

58. Prior to issuance of a grading permit for the project the City Manager shall verify that the 0.45 acre offsite area proposed to be added to the MHPA, has been adequately protected through a mechanism which ensures that this area will be managed and preserved in a manner consistent with the MSCP and the MSCP Subarea Plan.

**FACILITIES FINANCING REQUIREMENTS:**

59. A Housing Trust Fund [HTF] impact fee of \$20,000 on nonresidential development is required for this project and is due at the time of building permit issuance. This fee is based on a rate of 1.06 per square foot of office use. Pursuant to Ordinance No. O-1777454, the HTF impact fee is dedicated to the provision of affordable housing and is administrated by the San Diego Housing Commission.

**LANDSCAPE REQUIREMENTS:**

60. 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.

61. 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 Planning and Development Review. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

62. 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 Planning and Development Review.

63. 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.

64. 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, on file in the Office of Planning and Development Review.

65. 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), on file in the Office of Planning and Development Review.

66. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

67. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

68. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements 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.

69. 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.

70. Within six months of the approval date, the existing dirt parking lot shall be removed from the floodway and replaced with vegetative buffer and landscaped areas as shown on Exhibit "A."

71. **BUFFER:**

The development shall provide an average vegetative buffer ranging in depth from 18 feet to 5 feet, parallel to the southerly property line. The buffer shall not result in a loss of existing parking spaces, nor impede upon the existing and/or proposed operation of the YMCA facility. The buffer shall be provided as noted below:

- Beginning at the west side property line, an average 20 foot buffer shall be provided south of existing parking lot, extending eastward for approximately 180 linear feet.
- Beginning approximately 180 linear feet from the west side property line, an average 50 foot buffer shall be provided south of the existing dirt parking lot area (to be converted to day camp area), extending eastward for approximately 270 linear feet.
- Beginning approximately 450 linear feet from the west side property line, an average 18 to 20 foot buffer shall be provided south of the existing day camp area, extending eastward for approximately 484 linear feet.

72. **PEDESTRIAN PATH:**

The developer agrees to provide a minimum 10 foot public path space, parallel to the north of the proposed 18 foot to 50 foot vegetative buffer, consistent with the River Valley Park plan to allow for the future development of a pedestrian pathway. The public path space shall not result in a reduction in parking spaces, nor impede upon the existing and/or proposed operation of the YMCA facility.

73. **FLOODWAY:**

The proposed building footprint shall not encroach into the 100 year floodway.

74. **INDEMNIFICATION:**

The applicant shall enter into an indemnity/hold harmless agreement, to the satisfaction of the City Attorney, indemnifying and holding the City harmless from any loss or liability associated with this Project and flooding of the San Diego River.

75. **HOCKEY RINK:**

No grading permit shall be issued for on site activities until such time as the proposed roller hockey rink to be constructed at Clairemont High School (at 4150 Ute Drive), is under construction.

**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 section 66020.

APPROVED by the City Council of the City of San Diego on October 21, 2003 by Resolution No. R-298516.



AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

City of San Diego  
Owner

By \_\_\_\_\_

YMCA of the County of San Diego

By \_\_\_\_\_

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