

RESOLUTION NUMBER R-298677

ADOPTED ON DECEMBER 2, 2003

WHEREAS, Wakeland Housing and Development Corporation, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit No. 10373/Site Development Permit No. 10374 to construct sixty affordable apartment units on portions of a 2.53-acre site, known as the Beyer Boulevard Affordable Housing project, located in the San Ysidro Community Plan on the north side of Beyer Boulevard and east of Precision Park Lane, and legally described as a portion of the Southeast Quarter of the Northwest Quarter of Section 35, Township 18, South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof described in Deed dated May 6, 1909 from John Kastle to San Diego & Arizona Railway Company, recorded May 11, 1909, in Book 462, Page 156 of Deeds, in the proposed RM-2-5 zone (current zone is I-1, San Ysidro Implementing Ordinance); and

WHEREAS, on November 20, 2003, the Planning Commission of the City of San Diego considered Planned Development Permit No. 10373/Site Development Permit No. 10374, and pursuant to Resolution No. 3435-PC, voted to approve the Permit; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 10373/Site Development Permit No. 10374, dated December 2, 2003.

A. PLANNED DEVELOPMENT PERMIT

1. The proposed project will not adversely affect the applicable land use plan. The San Ysidro Community Plan calls for development to be compatible with adjacent uses and should provide higher quality site planning and design. The proposed project

would provide sixty affordable housing units immediately next to existing medium-density residential housing. The project location is topographically more related to the adjacent apartment development than to the industrial uses located on a higher elevation to the north of the project. The applicant has paid particular attention to building aesthetics, providing facade relief and architectural detail also called for in the plan. The project would be constructed on a currently vacant lot, meeting another Plan goal of reducing visual blight. The plan also encourages that residential developments be located within walking distance of transit facilities. This affordable housing project is in close proximity to the Iris Avenue Trolley Station. The plan also discourages spot zoning. The development proposes to rezone the site from Industrial to Medium-Density Residential. However, as mentioned, this location is contiguous with a residential zone and topographically disconnected from the adjacent Industrial zone. This project is also consistent with the San Ysidro Community Plan in that it locates higher-density residential away from single-family neighborhoods, such as El Pueblito Viejo and Sunset. Because the proposed project respects the guidelines of the San Ysidro Community Plan as outlined above, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project is the construction of sixty affordable apartment units on a vacant site in the San Ysidro Community Planning Area. The project complies with all of the underlying Industrial Zone development regulations with the exception of minor deviations to the front yard, interior yard, wall height and minimum storage area requirements as allowed with the issuance of a Planned Development Permit. The development is consistent with the residential development goals and recommendations of the San Ysidro Community Plan by providing residential development within walking distance of public transit, continuing the Medium-Density Residential development immediately adjacent (east) to this site and locates this higher density residential development away from single-family neighborhoods.

Project implementation requires conformance with several permit conditions which would ensure that the development is constructed and inspected in accordance with all City codes and other applicable laws. These include that appropriate public improvement and building permits be obtained and water and sewer improvements are installed. To ensure safe ingress and egress to the site, several permit conditions have been incorporated which address vehicular visibility. Additionally, the project requires a two-foot dedication of right-of-way for Beyer Boulevard along the entire property frontage to bring the property up to the current standard of 10 feet between the face of curb and the property line.

A Mitigated Negative Declaration [MND] was prepared for the project. The document concluded that potential impacts to biological resources and archaeological resources could occur with implementation of the proposal. A Mitigation, monitoring and reporting program has been established which would reduce these potential impacts to below a level of significance. These require the off-site creation and enhancement at a ratio of 2:1

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for a total of 0.30 of an acre of wetlands. Mitigation and monitoring during construction must be provided the protection of archaeological resources.

Permit conditions have been incorporated into this project that would ensure public health, safety and welfare and to ensure the compliance with the Land Development Code. The development would comply with Storm Water Pollution Prevention Plan and a Monitoring Program Plan shall be implemented. An analysis of future noise levels was conducted as part of the project review and staff found noise levels would not exceed the City's noise threshold for exterior usable areas. The proposed project would be required to comply with the California Code of Regulations [CCR], Title 24, Noise Insulation Standards in order to limit interior noise levels. In addition, a Mitigated Negative Declaration was prepared for the project which the potential impacts to on-site environmentally sensitive lands. The project would provide off-site mitigation approved by the City of San Diego, Army Corp of Engineers, California Fish and Game and the Regional Water Quality Board, and will comply with the Mitigation Monitoring and Reporting Program [MMRP] for Biological Resources. According to the Mitigated Negative Declaration, the City of San Diego has determined that there are Findings of No Significant Impact [FONSI].

The project would provide a public benefit by providing sixty affordable housing units for low and very low-income families. Twenty-five percent of the units would be for families earning 50% of the area median income, with the remaining seventy-five percent earning 60% of the area median income. These restrictions are included in the draft permit. Because of these permit conditions and environmental mitigations, the project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The project is the construction of sixty affordable apartment units on a vacant site in the San Ysidro Community Planning Area. The project complies with all of the underlying Industrial Zone development regulations which include setbacks, floor area ratio, coverage, height, parking and landscaping requirements. Minor deviations have been requested through the issuance of a Planned Development Permit and incorporated in the project design to allow for encroachment into the front yard and interior yard, to allow for over height walls and to provide reduced storage areas.

The project is consistent with all of the criteria for development design in the Planned Development Permit Ordinance. These guidelines state that the overall development should be comprehensive and demonstrate relationships with off-site developments. The project would provide for all circulation improvements, on-site parking and landscaping improvements as required by the Land Development Code. The development would be compatible with adjacent uses which include other multi-family developments in that it would be located directly adjacent to existing multi-family residential of the same density. In addition to the two- and three-bedroom, affordable residential units, the development would include a recreation facility and basketball court, a laundry facility, open court area and a tot lot providing a comprehensive project. The project is consistent with the scale of the surrounding neighborhood and with the rezone would match the

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residential density of the immediately adjacent project. The project also includes a design that provide architectural relief in the form of varying building facade and visual interest with varying window and door treatments. The proposed buildings are three-story and also matching the scale of the three-story apartments immediately adjacent to the project. Given that the project is located on a site that is topographically lower than its adjacent surroundings, its bulk and scale would appear reduced. This is further reduced by the design of the buildings which includes a pitched roof design and eliminating large surface masses. The addition of balconies and varying window and door designs soften the appearance and enhance the pedestrian scale of the development. The visual appearance is also enhanced by curbside landscaping and a varied setback line.

In addition, permit conditions would ensure required Best Management Practices are incorporated into the project consistent with the Land Development Code. The Code also requires the project provide 113 parking spaces and the proposal would include 118 spaces. The project would also be required to re-stripe Beyer Boulevard to provide a two-way center turn lane meeting transportation requirements.

By incorporating these design attributes and including these permit conditions, the project would comply with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The project will be a public benefit by providing sixty affordable housing units for low and very low-income families. Twenty five percent of the units will be for families earning 50% of the area median income, with the remaining seventy five percent earning 60% of the area median income. The project is consistent with the General Plan to create additional housing opportunities within the City of San Diego. The proposed development will maintain the neighborhood character with the San Ysidro community area.

5. Any proposed deviations pursuant to Section 126.0602 (b) 1 are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with development regulations of the applicable zone. The purpose and intent of the Planned Development Permit Ordinance is to provide for flexibility from development regulations where appropriate in order to provide for a better design. The project proposes minor deviations to the setback, fencing and storage area requirements. A one-foot reduction in the front setback is the minimum necessary to provide an design that will provide a mix of units, open space areas, parking, and amenities. The reduced interior yard is proposed for one structure at five feet. The remaining buildings exceed the required setback from the side property lines. The layout of the site is visually attractive, provides easy access for the residents, pedestrian access is safe and results in a more desirable design.

The proposed projects calls for a reduction in storage space. The reduced storage area is supported by the gain in habitable space and private areas (balconies and patios) enabled by the deviation. No balcony and patio storage will be allowed. Strict adherence to this requirement would reduce the amount of space available for parking.

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The retaining wall height in the side yard is proposed in one plane at eight feet where six feet is permitted. The wall borders a parking area and will be screened with landscaping. Any impact will be to this site, rather than the adjacent residential site. The retaining wall height in the side yard setback is supportable due to topographic difference between project site and the developed industrial site to the north. Strict adherence to Code requirements would result in the loss of area that would provide open space, parking, and recreational amenities. The retaining wall height in the front yard setback is proposed in one plane at 4.5 feet where three feet is the permitted. The wall would be 4.5 feet through 100 feet of the 600-foot front yard wall. The wall would be curved so that it would not intrude into the visibility areas required at ingress and egress points. The wall would also be screened with landscaping and visual interest would be provided through pilasters every 25 feet.

Staff have concluded that the requested deviations are minor in scope and appropriate for this location.

B. SITE DEVELOPMENT PERMIT

1. The proposed project will not adversely affect the applicable land use plan.

As stated in this section, the proposed development will not adversely affect the applicable land use plan.

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

As stated in this section, the proposed project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

As stated in this section, the proposed development will comply with the regulations of the Land Development Code.

C. SUPPLEMENTAL FINDINGS – 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 consists of five three-story buildings, each containing twelve units, for a total of sixty affordable housing units, two laundry facilities, community center, tot lot and basketball court area. The site is physically suitable for the design and sitting of the proposed development. No steep hillsides or coastal bluffs, or coastal beaches are located on or adjacent to the project site.

The site contains environmentally sensitive lands in the form of 0.15 of an acre of freshwater marsh as described in Section 143.0110 of the Land Development Code. Additionally the development would impact historical resources and archeological mitigation is required.

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A Mitigated Negative Declaration (PTS 6272) was prepared for the project, which requires mitigation measures for both Biological and Historical Resources (Archeology). The MND analyzed the potential impacts to environmentally sensitive lands, specifically a manufactured drainage channel with possible wetland vegetation. It was determined that the project would result in impacts to .15 acres of freshwater marsh. According to City of San Diego Biology Guidelines, impact to freshwater marsh requires mitigation measures of 1:1 creation and 1:1 enhancement. The applicant will mitigate off site via the purchase of property in the City of Chula Vista approved by the following jurisdictions: the City of San Diego, Army Corp of Engineers, California Fish and Game and the Regional Water Quality Board. The applicant will comply with the Mitigation Monitoring and Reporting Program [MMRP] for Biological Resources. Because the project will require the re-compaction of undocumented fill at the Bay Point Formation, Historical Resources Monitoring will be required and will comply with MMRP for Historical Resources.

The permits that will be prepared for this project will include various conditions to achieve compliance with the regulations of the City's Environmentally Sensitive Land Ordinance as well as Historical Resources Ordinance. Applicant has made every effort to minimize impacts to both biological and historical resources.

According to the Mitigated Negative Declaration, the City of San Diego has determined that there are Findings of No Significant Impact [FONSI].

2. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards. The project requires a re-compaction of existing undocumented fill. Because the project will require the re-compaction of undocumented fill at the Bay Point Formation, Historical Resources Monitoring will be required and will comply with Mitigation Monitoring and Reporting Program [MMRP] for Historical Resources.

The proposed project is being designed, and once completed, will implement permanent and pre-construction Best Management Practices to avoid undue erosion. The proposed property is not located in an area prone to potential hazards such as land sliding or surface rupture due to faulting. The project site is located with the seismically active Southern California Region, and could be subject (as with all areas in the region) to moderate ground shaking during a seismic event. Construction will be in accordance with standards of the Uniform Building Code which requires sufficient calculated factors of safety to resist seismically induced failure and minimize potential damage from seismic activity. To lesson the risk of fire hazards, sprinklers will be installed in the residential buildings.

As a result of these considerations, the proposed development would not result in the alteration of natural landforms and would not cause undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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3. The proposed development will be sited and designed to prevent adverse impacts to adjacent environmentally sensitive lands. The project consists of five, three-story buildings, each containing twelve units, for a total of sixty affordable housing units, two laundry facilities, community center, tot lot and basketball court area. No steep hillsides or coastal bluffs, or coastal beaches are located on or adjacent to the project site.

A Mitigated Negative Declaration (PTS 6272) was prepared for the project, which requires mitigation measures for Biological Resources. The MND analyzed the potential impacts to environmentally sensitive lands including a manufactured drainage channel with possible wetland vegetation. It was determined that the project would result in impacts to 0.15 of an acre of freshwater marsh. According to City of San Diego Biology Guidelines, impact to freshwater marsh requires mitigation measures of 1:1 creation and 1:1 enhancement. The applicant will mitigate off site via the purchase of property in the City of Chula Vista approved by the following jurisdictions: the City of San Diego, Army Corp of Engineers, California Fish and Game and the Regional Water Quality Board. The applicant will comply with the Mitigation Monitoring and Reporting Program [MMRP] for Biological Resources.

The permits that will be prepared for this project will include various conditions to achieve compliance with the regulations of the City's Environmentally Sensitive Land Ordinance. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The project is not located within the City's MSCP. Therefore the development is consistent with the City of San Diego's MSCP.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is not located near any public beaches and therefore will not adversely impact local shoreline sand supply or contribute to the erosion of public beaches.

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 are reasonably related to and will alleviate the impact created by the project. The Biological Resources impacts are determined by the City of San Diego's Biology Guidelines. The mitigation for loss of .15 acres of freshwater marsh will be mitigated by a combination of off site creation and enhancement. The mitigation site is located in the City of Chula Vista. The site has been approved by the City of San Diego and all environmental agencies. The mitigation will consist of 1:1 creation and 1:1 enhancement of wetlands. Monitoring will be required and will comply with Mitigation Monitoring and Reporting Program [MMRP] for Biological Resources.

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The Historical Resources will be mitigated by on site archeological monitoring during the grading of the site. Because the project will require the re-compaction of undocumented fill at the Bay Point Formation, Historical Resources Monitoring will be required and will comply with MMRP for Historical Resources. According to the Mitigated Negative Declaration, the City of San Diego has determined that there are Findings of No Significant Impact [FONSI].

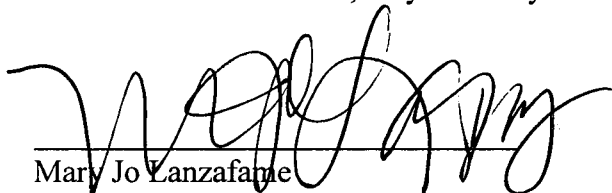
This is appropriate mitigation as required by the City of San Diego and environmental agencies.

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 Planned Development Permit No. 10373/Site Development Permit No. 10374, is granted to Wakeland Housing and Development Corporation, Owner/Permittee, under the terms and conditions set forth in permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
12/04/03
Or.Dept: DSD
R-2004-664

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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

PLANNED DEVELOPMENT PERMIT NO. 10373
SITE DEVELOPMENT PERMIT NO. 10374
BEYER BOULEVARD AFFORDABLE HOUSING [MMRP] PROJECT NO. 6272
CITY COUNCIL

This Permit is granted by the Council of the City of San Diego to Wakeland Housing and Development, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0602 and 126.0502. The 2.53-acre site is located north of Beyer Boulevard and east of Precision Park Lane in the I-1 zone of the San Ysidro Implementation Ordinance within the San Ysidro Community Plan. The project site is legally described as portions of the Southeast Quarter of the Northwest Quarter of Section 35, Township 18, South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof described in Deed dated May 6, 1909 from John Kastle to San Diego & Arizona Railway Company, recorded May 11, 1909, in Book 462, Page 156 of Deeds.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a sixty-unit, multi-family residential, affordable housing development with accessory facilities, described and identified by size, dimension, quantity, type, and location on the approved Exhibit "A," dated December 2, 2003, on file in the Development Services Department. The Exhibits "A" is identified as follows:

TS:	Title Sheet
AS.1:	Architectural Site Plan
L-1-3:	Landscape Concept Plans
CS.1,2:	Character Sketches
AO. 1,2	Unit Plans
A1.1-3	Floor Plans
A1.4	Roof Plan
A1.5,6	Exterior Elevations
A2.1	Community Building Floor Plan
A2.3	Community Building Roof Plan
A2.4,5	Community Building Elevations

A3.1	Maintenance/Laundry Building Floor Plan
A4.1	Trash Enclosure & Mailbox Kiosk
C-1	Title Sheet
C-2	Existing Conditions
C-3	Concept Grading
C-4	Site Distance Exhibit
C-5	Signing & Striping Plan

The project or facility shall include:

- a. A sixty-unit, multi-family residential, affordable housing development;
- b. A deviation to observe a 14-foot minimum yard and a 19-foot standard yard where a 15-foot minimum yard and a 20 standard yard are required;
- c. A deviation to allow a five-foot interior yard setback where a 35-foot setback is required;
- d. A deviation to allow over height retaining walls within the front yard and interior side yard;
- e. 104 cubic-foot storage areas where 240 cubic feet is required;
- f. Landscaping (planting, irrigation and landscape related improvements);
- g. Off-street parking facilities;
- h. Accessory facilities including a recreation center, a maintenance/laundry and tot lot; and
- i. 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 "A." 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" conditions(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:

10. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in enter appropriate environmental document type Project No. 6272 satisfactory to the City Manager and the City Engineer. Prior to issuance of any construction permit(s) or filing of final map(s), all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Biological and Historical Resources.

11. The MMRP shall require a deposit of \$900 to be collected prior to the issuance of the permit to cover the City's costs associated with implementation of the MMRP.

12. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

AFFORDABLE HOUSING REQUIREMENTS:

13. Rents for the sixty units are restricted as follows:

- Two-bedroom units at 50 percent of Area Median Income (currently \$680)
- Two-bedroom units at 60 percent of Area Median Income (currently \$824)
- Three-bedroom units at 50 percent of Area Median Income (currently \$751)
- Three-bedroom units at 60 percent of Area Median Income (currently \$910)

- 14 units at 50 percent (\$29,950 for a family of four)
- 45 units at 60 percent (\$35,940 for a family of four)

ENGINEERING REQUIREMENTS:

14. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

15. The drainage system proposed for this development, as shown on the approved plans, is subject to approval by the City Engineer.

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

17. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.

18. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the applicant 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.

20. Prior to the issuance of any construction permits, the applicant 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.

21. Prior to the issuance of any construction permits, the applicant 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.

22. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of two (2) 24-foot driveways on Beyer Boulevard and the construction of a concrete drainage structure located at the existing earthen channel, and shall grant an easement to the City for the drainage structure, all satisfactory to the City Engineer.

23. Prior to the issuance of any building permits, the applicant shall dedicate certain right-of-way on Beyer Boulevard, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

24. 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.

25. 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 the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

26. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards 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 the Development Services Department.

27. 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 take into account a 40 square foot 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.

28. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land 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 this Permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

29. 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.

30. The Permittee or subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

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.

32. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction 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.

33. 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.

34. 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. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

35. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

TRANSPORTATION REQUIREMENTS:

36. Prior to the issuance of the first building permit, all trees and landscaping more than 36 inches in height shall be removed and/or relocated out of the visibility areas as shown in Exhibit "A" and no landscaping more than 30 inches in height shall be maintained in the visibility areas as shown on Exhibit "A."

37. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, re-striping of Beyer Boulevard to provide a two-way center turn lane at the project northerly driveway with adequate red curb on both sides of the roadway for visibility and roadway striping purposes, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

38. No fewer than 118 off-street parking spaces (including one commuter van parking space, six motorcycle parking spaces and three bicycle parking spaces) shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

39. There shall be compliance with the regulations of the underlying zones 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.

40. The Property Management Company and designated staff will be responsible for informing residents of the property's rules and regulations, including the "Plan to Keep Debris or Personal Items from Balcony/Patio Areas", incorporated as a part of Exhibit "A" of the approved plans.

41. 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.

42. A topographical survey conforming to the provisions of the San Diego Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

43. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zones which are in effect on the date of the submittal of the requested amendment.

44. The Property Management Company will be responsible for appointing a supervisor to direct the work of a resident manager and maintenance staff. The manager and staff will maintain the project's common areas as described in the attached "Plan for Maintenance of Open Space Areas and Recreation Facilities" and "Graffiti Removal Plan" incorporated as a part of Exhibit "A" of the approved plans.

45. The Property Management Company and designated staff will be responsible for informing residents of the property's rules and regulations, including the "Plan to Keep Debris or

Personal Items from Balcony/Patio Areas," incorporated as a part of Exhibit "A" of the approved plans.

46. 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.

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

48. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (San Diego Municipal Code) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

WASTEWATER REQUIREMENTS:

49. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

50. 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.

51. 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.

WATER 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) as needed, and the removal of all existing unused services within the Beyer Boulevard right-of-way 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 appropriate private back flow prevention device(s) on each water service to the development, in a manner satisfactory to the Director of the Water Department and the City Engineer.

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. All on-site fire hydrants shall be private.

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

56. 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. Water facilities, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

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 by Resolution No. R-298677 on December 2, 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.

Wakeland Housing and Development
Owner/Permittee

By _____

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