

RESOLUTION NUMBER R-298746

ADOPTED ON DECEMBER 9, 2003

WHEREAS, KZ Holdings, LLC, Walzem Trust, and the Zane and Alice B. Feldman Trust, Owners/Permittees, filed an application with the City of San Diego for a permit to develop 15,156 square-feet of commercial retail space and a 103 space parking structure on portions of a 0.48-acre lot and a portion of a 1.6 acre site, known as the Walgreens 32nd Street project, located in the Greater North Park Community Plan Area at the northeast and northwest corner of University Avenue and 32nd Street, and legally described as Lots 17 through 20, Block 211 and Lots 25 through 30, Block 211 including that portion of the west 10.00 feet of Bancroft Street (Formerly Wisconsin Street) adjoining the above described property on the east, as closed September 11, 1911, by resolution No. 9207 of the Common Council of the City of San Diego, and Lots 25 through 30, Block 210, University Heights Subdivision, according to the amended Map by G. A. D'Hemecourt, in Book 8, Page 36 of LIS Pendens, in the Office of the County Recorder, in the City of San Diego, in the CL-1 CN-1 and MR-800 Zones, which is proposed to be rezoned to the CN-1 Zone; and

WHEREAS, on October 30, 2003, the Planning Commission of the City of San Diego considered Site Development Permit No. 9052, Community Plan Amendment No. 9053 and Zoning Action No. 9055, and pursuant to Resolution No. 3426, voted to approve the Permit; and

WHEREAS, the matter was set for public hearing on December 9, 2003, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 9052, Community Plan Amendment No. 9053 and Zoning Action No. 9055:

A. SITE DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The project site is within the Greater North Park Community Planning Area and designated for high intensity mixed use commercial and residential development. The proposed development proposes a Community Plan Amendment and Zoning Action to allow for commercial development of the project site. The development of the proposed parking structure would implement many of the goals and recommendations of the Greater North Park Community Plan and the Urban Design Guidelines by providing additional off-street parking opportunities, minimizing curb cuts, accessing parking from alleys and providing an enhanced facade treatment along 32nd Street. Likewise, the development of the proposed Walgreens would implement many of the objectives of the Community Plan by redeveloping the site and revitalizing the commercial area along University Avenue. The project design incorporates an enhanced facade treatment and building design, pedestrian amenities, landscape and significant artwork along University Avenue. The proposed development would also implement many of the recommendations of the Economic Development Element of the Community Plan by redeveloping the site and providing an estimated 100 additional jobs in the North Park Community. Although the proposed project does not include a residential element encouraged by the community plan, the requested Zoning Action to redesignate the site to a CN-1 Zone would not preclude the future development of residential units on the site. Therefore, when taken as a whole, the proposed development would not adversely effect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development of the Walgreens store and the parking structure would provide additional retail opportunities and a national anchor tenant for the North Park community. The project would provide additional off-street parking in the business district and enhance the pedestrian orientation of University Avenue with significant public art and public space. The project would provide a 24 hour drive-thru pharmacy allowing customers to remain in their cars during late night or early morning hours. The project would redevelop vacant property within the business district and provide additional employment opportunities in the community. A Mitigated Negative Declaration was prepared for the project and a Mitigation, Monitoring and Reporting Program addressing potential impacts to water quality would be implemented as a part of the project. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the

Land Development Code. The proposed development would comply with all of the applicable development regulations of the Land Development Code with the exception of minor deviations from the minimum transparency requirement, Maximum Floor Area Ratio [FAR] and restrictions on illuminated signs. The project is requesting the proposed deviations via a Site Development Permit in accordance with Section 126.0504 of the San Diego Municipal Code. The deviations have been reviewed by the appropriate staff and determined to be minor when evaluating the project as a whole. The deviation to the transparency and FAR for the parking structure is necessary to provide sufficient parking spaces, drive aisles and access ramps. The deviation to the transparency on the Walgreens is required to provide a loading facility to service the store with the least impact to the surrounding properties. The deviation to allow the lighted signs is inherent with the 24-hour operation of the store. The deviations would be permitted with an approved Site Development Permit, therefore, the proposed development complies with the applicable regulations of the Land Development Code.

B. MID-CITY COMMUNITIES DEVELOPMENT PERMIT

1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Greater North Park Community Plan. The proposed project is consistent with the goals and recommendations for commercial development within the Greater North Park Community Plan. If approved, the proposed Community Plan Amendment and Zoning Action would convert an existing 7,000 square-foot residentially zoned parcel to allow for commercial use. The proposed structures incorporate the objectives of the Urban Design Element with the use of off setting planes, articulation, varied exterior building materials, enhanced landscape and pedestrian interest at the street level. The proposed use of the site is consistent with the purpose and intent of the Mid-City Communities Planned District (Commercial Zones) in that the project provides appropriately located, attractive commercial and office facilities offering a wide variety of goods and services. The proposed use and design would assist the revitalization of the North Park Business District and enhance the level and quality of business activity in the community. The development is compatible in bulk, scale and design with the pattern of the existing neighborhood. The proposed development incorporates street friendly design with active pedestrian areas including a public space with public art at the corner of Bancroft Street and University Avenue and a proposed outdoor cafe/seating area as part of the commercial development at 32nd Street and University Avenue. Therefore, the proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Greater North Park Community Plan.

2. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible. The proposed scale and design of the project is compatible and consistent with the existing development pattern in the neighborhood. The use of the site as a commercial land use would be consistent with the Greater North Park Community

Plan if the proposed Community Plan Amendment and Zoning Action were approved. Although the project does not propose a residential element at this time, there is an opportunity for residential development over the proposed garage and on the Walgreens parking site if it were to become economically feasible in the future. Therefore, the proposed development would be compatible with existing and planned land use on adjoining properties and would not constitute a disruptive element to the neighborhood and community. The scale and design of the project would be consistent with the commercial use of the adjacent parcels along the University Avenue corridor. The project provides a contemporary design utilizing off-setting planes and articulation wherever possible with a combination of glass and stucco exteriors with metal accents. The project landscape treatment and public art would enhance the streetscape and strengthen the pedestrian environment along University Avenue. Therefore, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible.

3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity. The proposed project to develop the area with a Walgreens and a parking structure has been designed and conditioned in compliance with the City of San Diego's Land Development Code. The proposed development would redevelop existing vacant lots in the community and assist in revitalizing the area. The new structures would visually enhance the neighborhood with a contemporary architectural style including facade enhancements, exterior finishes and enhanced landscape in the parking areas, street frontage and public right-of-way. The project would provide a 24 hour pharmacy with a drive-thru facility for late night service. The project would provide a nationally recognized anchor tenant and an estimated 100 new employment opportunities in the North Park community. The project also provides a public art element and seating area. The proposed development would visually enhance the site and would not adversely effect property value in the neighborhood.

Adequate Public Facilities (Park deficient neighborhoods).

The development is not located in a park deficient neighborhood, therefore, this finding does not apply to this project.

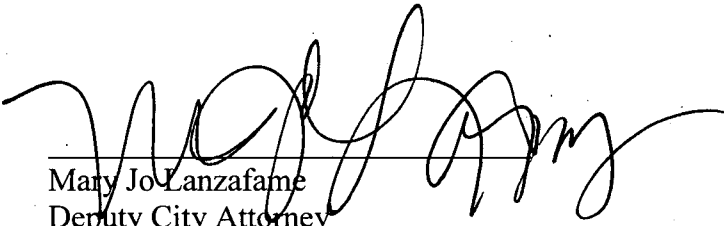
The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained and Site Development Permit No. 9052, Community Plan Amendment No. 9053, and Zoning Action No. 9055 is granted to KZ Holdings, LLC, Walzem Trust, and the Zane and Alice

B. Feldman Trust, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
01/08/04
Or.Dept: DSD
R-2004-711
Reviewed by Patrick Hooper,
Project Manager

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

SITE DEVELOPMENT PERMIT NO. 9052
COMMUNITY PLAN AMENDMENT NO. 9053
ZONING ACTION NO. 9055
WALGREENS 32ND STREET - PROJECT NO. 5500
CITY COUNCIL

This permit is granted by the City Council of the City of San Diego to KZ Holdings, LLC, Walzem Trust and the Zane and Alice B. Feldman Trust, Owners s/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0405. The site is located at the northeast and northwest corners of University Avenue and 32nd Street in the CL-1, CN-1 and MR-800B (proposed CN-1) Zones of the Mid-City Communities Planned District within the Greater North Park Community Plan Area. The project site is legally described as Lots 17 through 20, Block 211 and Lots 25 through 30, Block 211 including that portion of the west 10.00 feet of Bancroft Street (Formerly Wisconsin Street) adjoining the above described property on the east, as closed September 11, 1911, by resolution No. 9207 of the Common Council of the City of San Diego, and Lots 25 through 30, Block 210, University Heights Subdivision, according to the amended Map by G. A. D'Hemecourt, in Book 8, Page 36 of LIS Pendens, in the Office of the County Recorder.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owners/ Permittees to develop a two-story, 103 space parking structure and 15,156 square-feet of commercial retail space described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated December 9, 2003, on file in the Offices of the Development Services Department. The exhibits are identified as follows:

Sheets 1 through 16: Development Plans
Sheets 17 through 22 Landscape Concept Plans

The completed project or facility shall include:



- a. 15,156 square-feet of commercial retail space including a 13,650 square-foot Walgreens Drugstore;
- b. 168 total off-street parking spaces including a two-story, 103 space parking structure.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

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:
 - 2.1. The Permittees signs and returns the Permit to the Development Services Department; and
 - 2.2. 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 Permittees 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 Permittees 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 Owners /Permittees 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," dated December 9, 2003, on file in the offices of the Development Services Department. 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 Owners/ Permittees 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 Owners/Permittees 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. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

11. This Permit shall become effective with recordation of the corresponding Community Plan Amendment No. 9053 and Zoning Action No. 9055 for and approval of the project site.

12. This Permit may be developed in phases. Construction of the 103 space parking structure must be completed prior to obtaining grading and construction permits for the Walgreens to

ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit A, dated December 9, 2003, on file in the Offices of the Development Services Department).

13. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. 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.

15. As conditions of Site Development No. 9205, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration No. 5500 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

16. The Owners/Permittees shall comply with the MMRP as specified in the Mitigated Negative Declaration No. 5500 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 to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

a. Hydrology (Water Quality)

17. The MMRP shall require a deposit of \$3,200 to be collected prior to the issuance of grading permits to cover the City's costs associated with implementation of the MMRP.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any building permits, the applicant shall obtain an encroachment removal agreement from the City Engineer for landscaping, irrigation and appurtenances in the City right-of-way.

19. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the closure of the non-utilized driveways with City standard curb, gutter and sidewalk, on Bancroft Street and 32nd Street, satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of one 24 foot wide driveway on Bancroft Street, one 30 foot wide driveway on the easterly side of 32nd Street, and one 24 foot wide on the westerly side of 32nd Street, per Standard Drawings G- 14A, G-16 and SDG-100, satisfactory to the City Engineer.
21. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the non-standard curb with City standard curb and gutter, along the project frontage on Bancroft Street and both side of 32nd Street, per Standard Drawings G-2 and SDG-100, satisfactory to the City Engineer.
22. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of damaged sidewalk with City standard sidewalk, along the project frontage on Bancroft Street, 32nd Street and University Avenue, per Standard Drawings G-7, G-9 and G-10, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, The applicant shall assure by permit and bond the replacement of the non-standard asphalt alley with full width City standard concrete alley, for the alley between 32nd Street and Bancroft Street, per Standard Drawing G-21, satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the damaged alley with City standard alley, for the alley west of 32nd street, per Standard Drawing G-21, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the applicant shall tie lots 31 through 36 in block 210 and lots 17 through 30 in block 211 together with a lot tie agreement, satisfactory to the City Engineer.
26. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
27. 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 requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
29. Prior to the issuance of any construction permit, 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.

30. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit; Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), 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.

31. 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 Owners (s) and subsequent Owners (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 SWRCB Order No. 99-08-DWQ.

32. 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 Owners shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

LANDSCAPE REQUIREMENTS:

33. 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," dated December 9, 2003, on file in the Offices of the Development Services Department. No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

34. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydro seeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the City's Environmental Analysis Section) and City Engineer. All plans shall be in substantial conformance to Exhibit A- December 9, 2003, on file in the offices of the Development Services Department and all other applicable conditions of related permits.

35. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Owners /Permittees shall initiate such measures within forty-five days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual.

36. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owners /Permittees 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.

37. 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 Owners /Permittees shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

38. 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 Permittees. 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.

PLANNING/DESIGN REQUIREMENTS:

39. No fewer than 168 off-street parking spaces shall be maintained on the properties at all times in the approximate locations shown on the approved Exhibit "A," dated December 9, 2003, on file in the Offices of the Development Services Department. 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.

40. Site Development Permit No. 9025 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.

41. 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.
42. 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 Permittees.
43. 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.
44. A Shared Parking Agreement will be executed and recorded against the properties for 19 assigned spaces on the Walgreens property for the non-exclusive use of the adjacent office building as shown on the approved Exhibit "A," dated December 9, 2003, on file in the Offices of the Development Services Department.
45. All signs associated with this development shall be consistent with sign criteria established by either of the following:
 - 45.1. Approved project sign plan (Exhibit "A," December 9, 2003); or
 - 45.2. Citywide sign regulations.
46. 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.
47. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
48. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
49. 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.

50. No merchandise, material, or equipment shall be stored on the roof of any building.
51. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is screened and architecturally integrated structure.
52. 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," dated December 9, 2003, on file in the Offices of the Development Services Department.

WASTEWATER REQUIREMENTS:

53. Prior to the issuance of any building permits, the Owners /Permittees shall assure, by permit and bond, the design and construction of new water service(s), and the removal of any existing unused water services adjacent to the project site, as needed, in a manner satisfactory to the Director of the Water Department and the City Engineer.
54. Prior to the issuance of any building permits, the Owners/Permittees shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on all water services to the development, in a manner satisfactory to the Director of the Water Department and the City Engineer.
55. Prior to the issuance of any certificates of occupancy, the public water facilities necessary to serve this development shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.
56. The Owners/Permittees agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering in accordance with standards.

WATER REQUIREMENTS:

57. Prior to the issuance of any building permits, the Owners/Permittees shall assure, by permit

and bond, the design and construction of new water service(s), and the removal of any existing unused water services adjacent to the project site, as needed, in a manner satisfactory to the Director of the Water Department and the City Engineer.

58. Prior to the issuance of any building permits, the Owners/Permittees shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on all water services to the development, in a manner satisfactory to the Director of the Water Department and the City Engineer.
59. Prior to the issuance of any certificates of occupancy, the public water facilities necessary to serve this development shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.
61. The Owners/Permittees agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering in accordance 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.

In order to provide a mixture of uses, as called for in the Greater North Park Community Plan, the applicant is encouraged to consider and pursue the future addition of high-quality, residential development within the project. This could include the development of residential development on top of the parking structure and/or on the Walgreens surface parking lot and should include the provision of adequate parking for all development on the site.

APPROVED by the City Council of the City of San Diego by Resolution No. R-298746 on December 9, 2003.

Reviewed by Patrick Hooper, Project Manager

AUTHENTICATED BY THE CITY MANAGER

By _____

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


KZ Holdings, LLC, Walzem Trust and the
Zane and Alice B. Feldman Trust
Owners /Permittees

By _____

By _____

By _____

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

 - 298746