

RESOLUTION NUMBER R-300100

ADOPTED ON FEBRUARY 1, 2005

WHEREAS, the YWCA of San Diego, a California Nonprofit Corporation, Owner/ Permittee, filed an application with the City of San Diego for a conditional use permit [CUP], site development permit [SDP], and easement abandonment [EA] to demolish the existing buildings and construct a 16,169 square foot transitional housing facility known as the YWCA Transitional Housing Facility project, located at 2540-2550 Garnet Avenue, and legally described as a portion of Pueblo Lot 1788 of the Pueblo Lands of San Diego, Map No. 36, including portions of Lots 11 and 12 of Homeland Villas No. 2, Map No. 1359, in the Pacific Beach Community Plan area, in the RS-1-7 zone and the Coastal Height Limit Overlay zone; and

WHEREAS, the matter was set for public hearing on February 1, 2005, 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 Conditional Use Permit No. 127054, and Site Development Permit No. 142713, and amendment to Conditional Use Permit No. 168-PC:

**A CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0305**

**1. The proposed development will not adversely affect the applicable land use plan.** The project has an existing Conditional Use Permit No. 168-PC, approved on April 3, 1968, permitting the property owner to operate and maintain a program center on this property. The program center use was previously found to be consistent with the land use plan. The program center was approved to include a building with meeting, office, kitchen and storage facilities; a building containing crafts and playroom facilities; a building containing lockers, showers, dressing rooms and related swimming pool facilities; a swimming pool, and other

facilities in conformance with same. Current zoning also requires a Conditional Use Permit for the proposed Transitional Housing Facility use. Therefore, an amendment to the existing Conditional Use Permit is required.

This project allows the demolition of the existing buildings and construction of a 16,169 square foot Transitional Housing facility. This facility will serve as a domestic violence shelter for abused and battered women and their children. The project will include an administration building and fourteen 2-bedroom dwelling units housed in two structures. The project provides affordable housing and sustainable buildings per Council Policies 600-27 and 900-14. The State of California financing program that has approved this project for state funds require that 30 percent of the units are to provide affordability to extremely low income families and the remaining 70 percent of the units are to be affordable to very-low income families. This requirement would result in five units affordable at 30 percent or less of the Area Median Income [AMI] and nine units affordable at 50 percent or less of the AMI. However, the YWCA intends to provide an even greater affordability with all fourteen units affordable at 30 percent of the AMI. This project will meet the sustainable buildings requirement by providing roof-mounted photovoltaic systems consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption.

The project area is designated within the Pacific Beach Community Plan as an area identified as low density (5-9.99du/acre) therefore would only allow six units where fourteen are proposed. The property is zoned with a single family designation, and fronts on Garnet Avenue and Soledad Mountain Road, which are classified as busy 4- and 6-lane streets along a bus route and transit corridor. The use on the property has historically not been single family. The proposed use will be consistent with the residential designation and the goals of the Community Plan to promote development of a variety of housing types and styles to provide a greater opportunity for housing that is both affordable and accessible.

A Community Plan goal is also to promote general maintenance and improvement of residential properties. This project will meet the underlying zoning requirements by providing residential housing and revitalizing the property with new construction. The new buildings will add more window area, more articulation, new building materials, and landscaping to enhance the building frontage along Garnet Avenue and Soledad Mountain Road. Existing trees along the road way frontages will be preserved and maintained for this project. The design of the project promotes improvement of the residential property, articulation to reduce bulk and scale, private patios and a group gathering courtyard area. The project further meets the intent of the Community Plan for allowing higher densities in transit corridors while maintaining the intensity of the underlying zone by reducing the number of bedrooms. The proposed project meets the intent, purpose, and goals for a Transitional Housing Facility, a Conditional Use Permit, and the Pacific Beach Community Plan. Therefore, 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 has two existing structures that serve as YWCA counseling facilities. Demolition of the existing buildings, and grading and construction plans are in accordance with engineering standards and Best Management Practices [BMP's] to minimize grading and storm water runoff, and create a safe and stable site. Construction of the buildings will require a Building Permit and compliance with the Uniform Building Code. The existing parking is accessed off of Soledad Mountain Road, which promotes a smooth traffic flow along

the busier Garnet Avenue. A Mitigated Negative Declaration was prepared for this project in accordance with the California Environmental Quality Act [CEQA]. Mitigation was required for historical resources as a potential impact could exist for unknown buried archaeological resources. Archaeological monitoring is required during project grading operations. In addition, in order to reduce potential indirect impacts during construction to the existing mature trees that will be preserved, the specified trees will be staked and fenced as indicated in the project arbor report. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The project ensures compatibility with the surrounding residential uses and improves the general appearance and ambience of this corner property at Garnet Avenue and Soledad Mountain Road. The proposed project conforms to the development regulations of the Land Development Code, except for two deviations allowed as part of the Affordable/In-Fill Housing program in accordance with a Site Development Permit. A Site Development Permit is part of this project approval to allow a Floor Area Ratio total of 0.6 where 0.45 would be required, and for six bay window architectural projections into the required rear yard setback where two would be allowed. The Floor Area Ratio for this project is calculated based on a project premises for all 0.63 acres. However, if the property were subdivided then a subdivision total Floor Area Ratio of 0.6 would be allowed. The deviation for the architectural projections allows bay windows that will provide more light into the residential unit for the desktop workspace that is provided, and provides for exterior architectural articulation to reduce the bulk and scale of the building in this single family residential zone.

The project conforms to the coastal height limit zone, as the project is less than 30 feet in height. The project constructs a wall (security fence) between the transitional housing facility and the properties to the north. The proposed project meets the intent, purpose, and goals of the underlying zone, and the Pacific Beach Community Plan. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

**4. The proposed use is appropriate at the proposed location.** The existing Conditional Use Permit for a program center at this location, runs with the land, and does not expire. An amendment to the previous Conditional Use Permit is required to implement the proposed affordable transitional housing project. This facility will serve as a domestic violence shelter for abused and battered women and their children. The project will include an administration building and fourteen 2-bedroom dwelling units housed in two structures. The project provides affordable housing and sustainable buildings per Council Policies 600-27 and 900-14. The project will ensure compatibility with the surrounding residential uses and improve the general appearance and ambience of this corner parcel. The amendment of this Conditional Use Permit will allow the needed affordable housing for this area, and revitalize this corner parcel. Therefore, the proposed use is appropriate at the proposed location.

**B SITE DEVELOPMENT PERMIT - SDMC Section 126.0504**

**1. The proposed development will not adversely affect the applicable land use plan.** This project will construct a 16,169 square foot Transitional Housing facility that will serve as a domestic violence shelter for abused and battered women and their children. The property is zoned for residential use and will provide residential housing. The property is located in the Pacific Beach Community Plan Area. The use on the property has historically not been

single family. The proposed use will be consistent with the residential designation and the goals of the Community Plan to promote development of a variety of housing types and styles to provide a greater opportunity for housing that is both affordable and accessible.

The Site Development Permit is required for two deviations allowed as part of the Affordable/In-Fill Housing program. A Site Development Permit is part of this project approval to allow a Floor Area Ratio total of 0.6 where 0.45 would be required, and for six bay window architectural projections into the required rear yard setback where two would be allowed. The proposed project meets the intent, purpose, and goals of the underlying residential zone, and the Pacific Beach Community Plan. Therefore, the proposed project 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 proposes grading and construction for a 16,169 square foot Transitional Housing facility. The project construction plans include measures to reduce potentially adverse impacts associated with erosion and instability. The project conditions require approval of construction permits to allow the proposed grading and building construction.

The project will be constructed in accordance with engineering standards and BMP's to create a safe and stable site, and safe access to the site. Therefore, the proposed development will 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 project proposes a Transitional Housing facility located in the RS-1-7 zone and Coastal Height Limit Overlay zone. The project is not located in the City's Multiple Habitat Planning Area. The RS-1-7 zone is a residential zone intended to accommodate residential development. The Site Development Permit is required for two deviations allowed as part of the Affordable/In-Fill Housing program. A Mitigated Negative Declaration was prepared in accordance with the State of California Environmental Quality Act, and a Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to historical resources to below a level of significance. The proposed project conforms to the development regulations for storm water quality standards. The proposed project meets the intent, purpose, and goals of the underlying zone. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

**C SUPPLEMENTAL FINDINGS - DEVIATIONS FOR AFFORDABLE/IN-FILL HOUSING PROJECTS**

**1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.** This project allows the construction of a 16,169 square foot Transitional Housing facility that will serve as a domestic violence shelter for abused and battered women and their children. The project includes an administration building and fourteen 2-bedroom dwelling units. The project provides affordable housing per Council Policy 600-27. The State financing program that has approved this project for state funds requires that 30 percent of the units are to provide affordability to extremely low income families and the remaining 70 percent of the units are to be affordable to very-low income families. This requirement would result in five units affordable at 30 percent or less of the AMI and nine units affordable at 50 percent or

less of the AMI. However, the YWCA intends to provide an even greater affordability with all fourteen units affordable at 30 percent of the AMI. This project exceeds the goals of providing affordable housing. Therefore, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

**2. The development will not be inconsistent with the purpose of the underlying zone.** The property is zoned with a single-family designation. The use on the property has historically not been single-family residential. The proposed use will provide residential housing so will be consistent with the residential zone designation and the goals of the Community Plan to promote development of a variety of housing types and styles to provide a greater opportunity for housing that is both affordable and accessible. Therefore, the development will not be inconsistent with the purpose of the underlying zone.

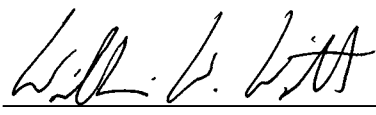
**3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed project conforms to the development regulations of the Land Development Code, except for two deviations allowed as part of the Affordable/In-Fill Housing program in accordance with a Site Development Permit. A Site Development Permit is part of this project approval to allow a Floor Area Ratio total of 0.6, where 0.45 would be required, and for six bay window architectural projections into the required rear yard setback where two would be allowed. The Floor Area Ratio for this project is calculated based on a project premises for all 0.63 acres. However, if the property were subdivided then a subdivision total Floor Area Ratio of 0.6 would be allowed. The project will allow the quantity of affordable housing and shelter housing that is feasible to construct on this size of premise and that is needed by the community. The deviation for the architectural projections allows bay windows that will provide more light into the residential unit for the desktop workspace that is provided, and provides for exterior architectural articulation to reduce the bulk and scale of the building in this single family residential zone. Therefore, any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

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

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 127054, Site Development Permit No. 142713 and Amendment to Conditional Use Permit No. 168-PC is granted to the YWCA of San Diego, A California Nonprofit Corporation, Owner/Permittee,

under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
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William W. Witt  
Deputy City Attorney

WWW:pev  
02/21/05  
Or.Dept:Clerks  
R-2005-814  
MMS#1297  
PERMIT - Permit Resolution 11-01-04

**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

**JOB ORDER NUMBER: 42-3124**

CONDITIONAL USE PERMIT NO. 127054  
SITE DEVELOPMENT PERMIT NO. 142713  
**YWCA TRANSITIONAL HOUSING FACILITY (MMRP) – PROJECT NO. 44721**  
Amendment to Conditional Use Permit No. 168-PC  
CITY COUNCIL

This Conditional Use Permit No. 127054, Site Development Permit No. 142713, and Amendment to Conditional Use Permit No. 168-PC, is granted by the City Council of the City of San Diego to the YWCA of San Diego, a California Nonprofit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0305 and 143.0920/126.0504(a)-(m). The 0.62-acre site is located at 2540-2550 Garnet Avenue in the RS-1-7 zone and the Coastal Height Limit Overlay zone of the Pacific Beach Community Plan. The project site is legally described as a portion of Pueblo Lot 1788 of the Pueblo Lands of San Diego, Map No. 36, including portions of Lots 11 and 12 of Homeland Villas No. 2, Map No. 1359.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing buildings and construct a 16,169 square foot transitional housing facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated February 1, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of all existing buildings, including two buildings which total 2,910 square feet;
- b. Grading and construction of a 16,169 square foot transitional housing facility which includes an administration building and fourteen dwelling units housed in two structures;
- c. Deviations for a Floor Area Ratio total of 0.6 where 0.45 would be required, and for six bay window architectural projections into the required rear yard setback where two would be allowed;

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities; and
- f. 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" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

10. 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.

11. As conditions of Conditional Use Permit No. 127054 and Site Development Permit No. 142713, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, LDR No. 44721 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration, LDR No. 44721 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 area:

Historical Resources

13. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**AFFORDABLE HOUSING SUSTAINABLE BUILDING REQUIREMENTS:**

14. Prior to the issuance of a certificate of occupancy, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to set aside at least 10 percent of the units for occupancy by households earning no more than 65 percent Area Median Income [AMI] to meet these requirements. Prior to receiving a certificate of occupancy for the first residential unit, the applicant must enter into an agreement with the San Diego Housing Commission to assure the construction and occupancy of the affordable units.

15. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

**ENGINEERING REQUIREMENTS:**

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing curb ramp at Soledad Mountain Road and Felspar Street to comply with current City standards.

17. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond that all driveways and curb openings comply with City Standard Drawings G-14A, G-16 and SDG-100 to the satisfaction of the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

19. Prior to the issuance of any construction permit the Owner/Permittee 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.

20. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.

21. Prior to the issuance of any construction permit the Owner/Permittee shall obtain an engineering permit for the private storm drain. The drainage system proposed for this development is private and subject to approval by the City Engineer.

22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the proposed private storm drain in the public right-of-way.

23. Any export material generated from development of the project site 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.

24. The Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is in accordance with the approved plans.

25. Prior to the issuance of any building permits, the Owner/Permittee shall provide the recorded revestment of access rights from the City of San Diego for a 20-foot driveway on Soledad Mountain Road as depicted in the approved Exhibit "A."

#### **LANDSCAPE REQUIREMENTS:**

26. 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."

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 sq-ft 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. In the event that a foundation only permit is requested by the Owner/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. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

29. Prior to issuance of any construction permits for structures (including shell), 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. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under Land Development Code section 142.0403(b)5.

30. 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.

31. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. All existing trees to remain, as shown on Exhibit "A," Landscape Concept Plan, shall be protected in place and maintained per the YWCA Transitional Housing Project Arborist Report dated June 4, 2004.

32. The Owner/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.

33. 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.

**PLANNING/DESIGN REQUIREMENTS:**

34. This Permit shall supercede Conditional Use Permit No. 168-PC.

35. The facility shall provide accommodations for no more than twenty-eight adult women.

36. This Permit shall not limit the number of children that can reside with their resident parent.

37. The facility shall not operate a licensed child care facility on-site.

38. In the event that this Permit is revoked or the use discontinued for any reason the buildings and improvements described herein shall be removed from the site.

39. The facility shall provide counseling and any other support services for residents only.

40. The potential future construction of a recreation area (playground) on the adjacent property shall be allowed by this Permit. The design and construction of the recreation area and any surrounding fences or walls must comply with all visibility requirements contained in SDMC section 113.0273.

41. No building additions, including patio covers, shall be permitted unless approved by the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the facility.

42. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations for single dwelling unit residential zones.

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

44. All uses, except storage, loading and use of the outdoor patios and recreation areas, shall be conducted entirely within an enclosed building. Outdoor storage of 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 material or equipment stored not higher than any adjacent wall.

45. 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, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework. The solar energy system is exempt from this specific condition.

46. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials for Multiple Unit Residential Development (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."

47. Construction activities and operation of the facility shall not impact the off-site Kate Sessions tree and plaque in any way (Historical Resources Site No. 31 and California Registered Historical Landmark No. 764).

48. 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.

49. 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.

50. 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.

51. 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.

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

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

**TRANSPORTATION REQUIREMENTS:**

54. No fewer than six off-street 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.

**WASTEWATER REQUIREMENTS:**

55. Prior to the issuance of any building or grading permits, the Owner/Permittee shall relocate all on-site public sewer mains to a public right of way, satisfactory to the Director of the Metropolitan Wastewater Department. Also, all associated on-site public easements shall be vacated, satisfactory to the Director of the Metropolitan Wastewater Department.

56. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

57. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

58. 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:**

59. 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) outside of any

driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

60. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of the Water Department and the City Engineer.

61. 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.

62. 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 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 on February 1, 2005 by Resolution No. R-300100.

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.

**YWCA OF SAN DIEGO,  
A CALIFORNIA NONPROFIT  
CORPORATION**

Judith case Di Pasquale, Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04

R 300100