

RESOLUTION NUMBER R- 300205

ADOPTED ON MARCH 1, 2005

WHEREAS, Carter Reese No. 15, LP, Owner/Permittee, filed an application with the City of San Diego for a planned development permit/site development permit to develop a mixed-use residential and commercial project known as the Mesa Commons project, located at 6456 El Cajon Boulevard, and legally described as portions of Parcels 1 through 5, Alvarado Heights, Map No. 1634 as provided on Tentative Map No. 93414, in the College Area Community Plan, in the RS-1-7 (proposed RM-1-2) and CU-2-3 zones); and

WHEREAS, on December 2, 2004, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 93412/Site Development Permit [SDP] No. 93413, and pursuant to Resolution No. R-3605-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on March 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 Planned Development Permit No. 93412/Site Development Permit No. 93413:

**A. PLANNED DEVELOPMENT PERMIT / SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The Mesa Commons application proposes the development of a 2.26-acre site with a

mixed-use project including a total of fifty-two dwelling units and 2,833 square-feet of commercial retail space. The development proposes a General/Community Plan Amendment and a Rezone Action. The Community Plan Amendment would allow for an increased residential density on a portion of the site fronting Catoctin Drive and also reduce the residential density associated with the commercial land use designation along El Cajon Boulevard. The Rezone Action would change the (RS-1-7) single-family portion of the project site to a multi-family zone (RM-1-2) and accommodate the proposed units. The development of the 2.26-acre site with fifty-two dwelling units would be consistent with the proposed Plan Amendment and Rezone by providing a Low to Medium Residential project at 10 to 15 dwelling units per acre along Catoctin Drive and 15 to 45 dwelling units per acre along the El Cajon Boulevard portion of the site.

The proposed development would implement the goals and recommendations of the Progress Guide and General Plan Strategic Framework Element and the Transit-Oriented Development Guidelines by providing new residential development that contributes to increased walkability and the provision of housing opportunities in close proximity to local employment centers as well as along transit corridors. The proposed project meets the general guidelines for transit-oriented development [TOD] by providing a project that is mixed-use in nature along a major transportation corridor. According to the TOD Guidelines, the minimum density for urban development is 18 dwelling units per acre with a typical average density of between 25 and 45 dwelling units per acre. Maintaining the density of 15 to 45 dwelling units per acre as proposed by the community plan amendment would still maintain a residential density permissible for transit-oriented development in an urban setting. The project along El Cajon Boulevard consists of 2,833 square feet of commercial retail along with five rental units located above the commercial portion of the project, with the remaining forty-seven residential units located to the rear of the project site.

The proposed development would also implement the goals and recommendations of the College Area Community that multi-family and mixed-use development proposals along El Cajon Boulevard do not visually overwhelm neighboring development and that the proposed bulk and scale be compatible with existing buildings. In order to achieve the higher densities cited in the Land Use Element, a project would have to seek another zone with a higher allowable height limit or seek a significant deviation to allow for a greater height. As such, the project proposes a 2-story, vertical mixed-use building occupying 100 feet of street frontage along El Cajon Boulevard and a 3-story multi-family residential structure to the rear. Existing structures located adjacent to this portion of the project site along El Cajon Boulevard are two, 2-story motels located to the east and west. Given the height of the adjacent existing structures and compliance with the allowable height with the CU-2-3 zone, the height of the project would not adversely affect surrounding development along El Cajon Boulevard.

The proposed project would be compatible with the existing development in the surrounding area and consistent with the future development densities prescribed in the College Area Community Plan. The proposed development provides attractive, high quality design utilizing building mass, off-setting planes and varied finish materials to convey the appropriate bulk and scale of the building as it relates to the surrounding neighborhood. Therefore, the proposed development would not adversely affect the Progress Guide and General Plan or the College Area Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The Mesa Commons application proposes the development of a 2.26-acre site with a mixed-use project including a total of fifty-two dwelling units and 2,833 square-feet of commercial retail space. The proposed development would provide additional housing opportunities and contribute to the revitalization of the neighborhood. The design of the project would be consistent with the College Area Community Plan and comply with the purpose and intent of the Land Development Code and the Central Urbanized Plan District Ordinance. The project would activate the pedestrian activity along the street by providing new commercial opportunities and connect Catoctin Drive and El Cajon Boulevard with a pedestrian path delineated with enhanced paving. The project would restrict and control ingress and egress from the site and provide the required off-street parking. The project would provide visual interest through the use of a contemporary style utilizing off-setting planes, building articulation, varied roof lines and a variety of finish materials. An Initial Environmental Study was conducted in accordance with the California Environmental Quality Act [CEQA] and concluded that the proposed development would have no significant environmental impacts on the property or the surrounding area. The development would be designed and constructed in accordance with all applicable building codes. Therefore, the proposed development would not be detrimental to the public's health, safety and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The Mesa Commons application proposes the development of a 2.26-acre site with a mixed-use project including a total of fifty-two dwelling units and 2,833 square-feet of commercial retail space. The project site includes two separate zones and is subject to both the development regulations contained within the Land Development Code for the RM-1-2 zone, and the Central Urbanized Planned District Ordinance for the CU-2-3 zone. The proposed development is requesting deviations to the minimum setbacks and the maximum height limit on various portions of the site.

SDMC section 126.0602 allows deviations to the development regulations of the underlying zones with the approval of a planned development permit. Staff has reviewed the requested deviations and considered them to minor and scope and contribute to a more desirable project. Deviations to the minimum setbacks allow the buildings to be staggered and create additional off-setting planes. The deviation to the maximum height allows the structures to provide varied rooflines and additional articulation. Additionally, consideration was given to the unusual lot configuration which necessitated the minor deviations in order to provide an attractive, functional project and facilitate the residential density and associated parking, vehicular circulation, pedestrian amenities and landscape.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The Mesa Commons application proposes the development of a 2.26-acre site with a mixed-use project including a total of fifty-two dwelling units and 2,833 square-feet of commercial retail space. The development project would demolish an existing commercial structure and single family residence, both of which are over 45 years old and in various states of disrepair. The remainder of the site includes raw, undeveloped land that is overgrown and unsightly. The new infill project would convert the existing parcels from an underutilized and somewhat blighted site into an active residential neighborhood and community asset. The proposed development would provide fifty-two additional housing opportunities and new

commercial space. The project would visually enhance the existing site with new landscape materials, including large canopy trees, enhanced paving materials, pedestrian circulation, park access and right-of-way improvements. Therefore, when considered as a whole, the proposed development would be beneficial to the College Area Community.

**5. Any proposed deviations pursuant to SDMC 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 the development regulations of the applicable zone.** The Mesa Commons application proposes the development of a 2.26-acre site with a mixed-use project including a total of fifty-two dwelling units and 2,833 square-feet of commercial retail space. In order to achieve the desired residential density and maintain a high quality design on an irregularly shaped, lot the project requires minor deviations to the minimum front, side and rear setbacks and the maximum 30-foot height limit. The deviations to the setbacks and height limit would allow for a better designed and visually interesting project by providing staggered building setbacks along the street, increasing the number and depth of off-setting planes and structural articulation and varying the roof line, all of which decrease the perceived bulk and scale of the project. The deviations would also allow for larger units with superior floor plans including the provision of usable private balconies and court yards while maintaining the required off-street parking, vehicular and pedestrian circulation, landscape improvements and project amenities such as recreation facilities and an outdoor common area. Therefore, the 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 the development regulations of the applicable zone.

**B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504:**

**1. The proposed development will not adversely affect the applicable land use plan.** As described in Planned Development Permit Finding A-1 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.** As described in Planned Development Permit Finding A-2 above, 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.** As described in Planned Development Permit Finding A-3 above, the proposed development will comply with the applicable regulations of the Land Development Code.

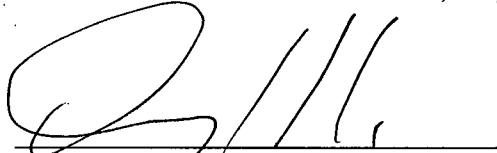
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 93412/Site Development Permit No. 93413 is

granted to Carter Reese No. 15, LP, 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



Douglas K. Humphreys  
Deputy City Attorney

DKH:als  
05/19/05  
Or.Dept:Clerk  
R-2005-1197  
MMS#1442

PERMIT – Permit Resolution 11-01-04

[HEADING FOR CITY COUNCIL APPROVAL:]

**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. 93412**  
**SITE DEVELOPMENT PERMIT NO. 93413**  
**MESA COMMONS – PROJECT NO. 33812**  
**CITY COUNCIL**

This Planned Development Permit No. 93412 and Site Development Permit No. 93413, is granted by the City Council of the City of San Diego to Carter Reese No. 15, LP, (a California Limited Partnership, Owner/Permittee, and pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 2.26-acre site is located at 6456 El Cajon Boulevard in the RS-1-7 (proposed RM-1-2) and the CU-2-3 zones of the College Area Community Plan. The project site is legally described as portions of Parcels 1 through 5, Alvarado Heights, Map No. 1634 as provided on Tentative Map No. 93414.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop the 2.26-acre site with a mixed-use residential/ commercial project including fifty-two dwelling units (forty-seven condominiums and five rental units) and 2,833 square-feet of commercial retail space, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated March 1, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. A total of fifty-two dwelling units (sixteen row homes, thirty-one condominiums and five rental units), 2,833 square-feet of commercial space;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act

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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

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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.

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 final subdivision map for and approval of the project site.

12. 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.

**AFFORDABLE HOUSING REQUIREMENTS:**

13. Prior to the issuance of any building permits, 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).

**ENGINEERING REQUIREMENTS:**

14. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices [BMP's] on the final construction drawings, in accordance with the approved Water Quality Technical Report

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

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## **LANDSCAPE REQUIREMENTS:**

16. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

17. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) 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.

18. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

19. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation including hydroseeding and irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit "A."

20. 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, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

21. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

22. Prior to any grading permit the Permittee or subsequent Owner shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

23. 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.

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**PLANNING/DESIGN REQUIREMENTS:**

24. No fewer than 121 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
30. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.
31. The applicant shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer.
32. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
33. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

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

35. 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.

36. 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."

**WATER REQUIREMENTS:**

37. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new water main, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

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

39. Prior to the issuance of any building permits, the Owner/Permittee must grant a fully paved, drivable, 24-foot wide easement to provide the City legal access to the proposed public water facilities.

40. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants on-site at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.

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

42. All on-site water facilities shall be private including domestic, fire and irrigation systems.

43. 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

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San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities and water easements, as shown on the approved plans, 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 by the City Council of the City of San Diego on March 1, 2005 pursuant to Resolution No. R-300205.

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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.

CARTER REESE NO. 15, LP  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04

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