

RESOLUTION NUMBER R-300242

ADOPTED ON MARCH 15, 2005

WHEREAS, Virgil Gordon Group, Owner/Permittee, filed an application with the City of San Diego for a planned development permit and a site development permit to demolish three existing single-family residences and accessory structures for the construction of four 1-story, high industrial shell buildings known as the Alpha Street Industrial Village project, located at 1294 Keeler Court, and legally described as a portion of Lot 24, Block 59, Caruther's Addition, Map No. 27 and, Parcels A and B of Parcel Map No. 781, and that portion of 42nd Street as closed and vacated by city Council Resolution No. R-264193, in the Southeastern San Diego Community Plan area, in the I-2 zone of the Southeastern San Diego Planned District and the Transit Overlay zone; and

WHEREAS, on December 9, 2004, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 16446/Site Development Permit [SDP] Permit No. 7888, and pursuant to Resolution No. 3609-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on March 15, 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. 16446/Site Development Permit No. 7888:

A: PLANNED DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The subject property is located on the west side of the terminus of Keeler Court on the northwest side of Alpha Street, within the I-2 zone of the Southeastern San Diego Planned District. The site is designated as Business Park/Office Commercial in the Southcrest Neighborhood of the Southeastern San Diego Community Planning Area. The project site is also within the Southeast Redevelopment Project Area. The project is the demolition of existing residential structures and accessory structures for the construction of four new, 1 story, industrial shell buildings. The project includes the vacation of an unnamed alley and a public utility easement.

The site is governed by the policies and guidelines of the General Plan, the Southeastern San Diego Community Plan and the development regulations of the I-2 zone of the Southeastern San Diego Planned District. The proposed project is in compliance with all applicable policies, guidelines and regulations in effect for the site with the exception of a minor deviation to certain development regulations as allowed under a Planned Development Permit.

The Southeastern San Diego Community plan includes an Industrial Element which lays out a number of objectives and recommendations. The proposed project meets the overall objective to provide new, high quality office and industrial park development within the community. The Plan states that the creation of industrial centers throughout the community in compact sites will produce the greatest amount of employment potential while locating jobs near residential population bases. Additionally, the proposed project utilized the Community Plan's Urban Design Element Industrial Guidelines in order to reduce any incompatibilities between the commercial/business park development and adjacent development. The proposed project includes varying building placements and setbacks, as well as the incorporation of a pedestrian plaza area and an internal pedestrian walkway with direct connections to the existing sidewalk system. The Southcrest Neighborhood of the Plan states that this parcel be utilized for a commercial/business park. Further, the plan states that a discretionary permit be required for the site, to ensure any development is high quality, well designed and compatible with adjacent users. The project is consistent with these recommendations and, therefore, the proposed development will not adversely affect the Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project is the construction of four detached industrial buildings resulting in approximately 14,052-square-feet within the Southeastern San Diego Community Planning Area. A Negative Declaration was prepared for the project as it was determined that no environmentally sensitive lands exists on or adjacent to the site.

The permit prepared for this development includes various conditions and referenced Exhibits of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions of the City's Municipal Code in effect for this site; and that such conditions have been determined by the Decision Maker as necessary to avoid adverse impacts upon the health, safety, and general welfare. These conditions (referenced Exhibits) include limitations upon the extent and amount of site grading activities, minimum parking and landscaping requirements, and required public improvements. The project will remove previously conforming uses and code

violations and bring the property into conformance with current requirements. The proposed development will be consistent with the allowable permitted uses of the underlying zone, and provide a use that is called for in the Southcrest Neighborhood of the Southeastern San Diego Community Plan. Therefore, the proposed project 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 proposed project is the construction of four industrial buildings on a site currently improved with residential development and areas used to store building materials. The project complies with the relevant, applicable regulations of the I-2 zone, including floor area ratio, coverage, parking, front and street side yard setback requirements. All future tenant users of the proposed shell buildings must be allowable uses within the underlying zone. The site will be brought into conformance with current code requirements as the previously conforming residential use will be removed and several code compliance issues will be demolished. These include unpaved parking areas, overheight walls and fences, and unscreened storage areas. Minor deviations have been incorporated into the project design, to allow encroachments into the interior side yard, rear yard, and, to modify the buildings modulations requirement. Such deviations are allowed through the processing of a Planned Development Permit. Therefore, the project complies with the applicable regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The project is the construction of four industrial shell buildings on a site that is currently improved with previously conforming residential uses, accessory structures and unscreened storage areas. Remnants of a previous lumber yard and hardware store are present within and around the property, including several wooden and unused storage sheds. Portions of the site are in a state of disrepair and the appearance is unsightly. The project proposes the demolition of all these improvements for the proposed construction of the new buildings, bringing the site into conformance with current zoning requirements with respect to allowable uses and development standards.

The property will be visually enhanced through new landscaping and paved parking areas, screened retaining walls, as well as new landscaping and fenced buffers adjacent to residential development where currently, none exists. The Southeastern Economic Development has indicated that this portion of the community is in need of re-development and the proposed project potentially serves as a catalyst for future development in the area.

The site is designated as Business Park/Office Commercial within the Southcrest Neighborhood of the Southeastern San Diego Community Plan, which identifies the site for a business park. The project implements several goals and recommendations of the Community Plan including the overall objective to provide new, high quality office and industrial park development within the community. The Plan states that the creation of industrial centers throughout the community in compact sites will produce the greatest amount of employment potential while locating jobs near residential population bases. Therefore, the project will be beneficial to the community.

5. Any proposed deviations pursuant to San Diego Municipal Code [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 proposed development is consistent with all of the development regulations of the Land Development Code with respect to parking, landscaping, street setback, coverage requirements, and maximum diagonal requirements. Minor deviations have been included into the project design for the deviations described below:

- Building I 10'-0" side yard at the closest point 30'-0" required
- Building II 27'-8" rear yard 50'-0" required
- Building III 41'-0" rear yard 50'-0" required
- Buildings I-IV Modulations in all elevations, not in conformance with specific requirements.

These minor deviations can be supported as the site is has several constraints that are not the making of the applicant. These circumstances include its unusual shape and configuration, its topography, its location along the curvature of both Keeler Court and Alpha Street. Additionally, the abutting public park is zoned residential, requiring a 50'-0" rear yard where 30'-0" would normally be required. The site is further constrained by the requirement to widen an easement sewer easement within from ten to 30 feet in which no permanent buildings can be placed. Additionally, implementation of the project will provide several benefits to the City and the immediate neighborhood.

Building I (side yard reduction)-

Building I would be placed at the northern portion of the site, adjacent to property that is industrially zoned, but improved with a residential structure. Requiring a 30-foot setback would preclude the full use of the property. However, in recognizing the residential use to the north, a portion of Building I has been articulated so that the front 30 feet of the building observes a 25 foot setback and the remainder observes a ten foot setback along the northern side of the building facing Keeler Court. A retaining wall with a free standing screening wall on top is also proposed along the north interior side yard to help to soften visual impact from the development.

Building II and III (rear yard reduction)-

Buildings II and III would be placed at the rear of the site which abuts a MF-3000 residentially zoned property. However, the use of the MF-3000 property is the existing Southcrest Community Park. The purpose of the 50 feet setback to residential uses is to mitigate the conflicts involving industrial uses adjacent to residential. This project site is approximately 20 feet higher in elevation than the park site at this location, and, there are no uses of the park that would be compromised by the location of this building.

All Buildings (offsetting planes and building modulation)-

All four buildings are requesting deviations to the offsetting planes and building modulation requirements. The project meets the intent of this regulation by designing enhanced architectural canopies that extend beyond the face of the buildings creating a covered pedestrian promenade. The purpose of this regulation is to prevent the construction of box-like buildings with no architectural articulation. The applicant has articulated the building design three-dimensionally. Although the footprint of the building lacks the specific offsets or modulations as called for in

the zone, the use of the canopy promenades, building transparency, façade material, texture and color variations and wave -like undulations of the parapet, create a three-dimensional structure that is more visually appealing and dynamic than might be achieved with only the implementation of offsetting planes and building modulation.

The purpose of the Planned Development Permit regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The intent of the PDP regulations is to accommodate to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements and community and City benefits. The proposed deviations can be supported based on the quality of the project design, development constraints of the site, and project benefits.

Project implementation will incur several benefits to the City. The project will implement several goals and objectives of the Southeastern San Diego Community Plan and provide a use that was specifically anticipated at this site. The project is consistent with the purpose and intent of the Southeastern San Diego Planned District, which calls for high quality, industrial development, sensitive to and compatible with, the immediate area. The project will facilitate the continued, redevelopment in the area and provide additional employment opportunities to those in the community. The site will be visually enhanced with the new buildings, landscaped areas and paved parking areas. When considered as a whole, the proposed industrial use provides leasing space opportunities to people within the community and helps implement several recommendations of the San Diego Community Plan.

Therefore, the deviations proposed are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the zone.

B. SITE DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The proposed development will not adversely affect the applicable land use plan as described above in the Planned Development Finding No. 1.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development will not be detrimental to the public health, safety and welfare as described above in Planned Development Permit Finding No. 2 above.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development will comply with the applicable regulations of the Land development Code as described above in Planned Development Permit Finding No. 3.

C. SOUTHEASTERN SAN DIEGO PLANNED DISTRICT FINDINGS:

1. The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the general plan or other applicable plans adopted by

the City Council. The project site is zoned I-2, Industrial, within the Southeastern San Diego Planned District Ordinance. The I-2 zone is intended to provide quality development, decrease land use conflicts and provide maximum employment opportunities. The purpose and intent of the Planned District is to implement the goals and objectives of the Southeastern San Diego Community Plan, while applying reasonable development criteria. The project proposes to demolish existing single-family residences, a detached garage, and several unused sheds and construct four detached industrial buildings. The proposed use and project design meet the overall objectives and of the Southeastern San Diego Community Plan to provide new, high quality office and industrial park development within the community. The Plan further states that the creation of industrial centers throughout the community in compact sites will produce the greatest amount of employment potential while locating jobs near residential populations bases. Additionally, the proposed project utilized the Community Plan's Urban Design Element Industrial Guidelines in order to reduce any incompatibilities between the commercial/business park development and adjacent development. Therefore, the proposed project will not adversely affect the General Plan or other applicable plans adopted by the City Council.

2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disrupted element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable. The subject site is zoned I-2 and contains single-family residential structures, a detached garage and several sheds. The property is surrounded by residential uses on the north zoned I-2, commercial uses to the south, in the CT-2 zone, commercial and residential uses to the east in the CSR-1 zone, and a park adjacent to the west in the MF-3000 zone. The project has been designed in recognition of the adjacent residential and park developments. A new, planatable retaining wall will be constructed at the rear of the site in order to level the property for the proposed construction. The wall will be planted with cascading vines and shrubs, and large trees planted at the rear of the proposed buildings, to provide a landscaped screening to park users below the property. A new screening wall is proposed along the north property line to buffer the development from the adjacent residential structure. Should the adjoining previously conforming residential developments be removed in the future, these sites would be developed with similar industrial uses as proposed by the Alpha Industrial Village Project. Across Alpha Street to the south is a commercial shopping center and other commercial and industrial uses, similar in design with respect to height, surfacing materials and roof elements. Therefore, the proposed development will be compatible with existing and proposed land uses in the area.

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 property in the vicinity. The proposed development 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 property in the vicinity as described above in Planned Development Permit Finding No. 2.

4. The proposed use will comply with the relevant regulations of the Municipal Code. The proposed use will comply with the relevant regulations of the Municipal Code as described above in Planned Development Permit Finding No. 3.

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. 16446/Site Development Permit No. 7888 is granted to Virgil Gordon Group, 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:ai:pev

05/19/05

Or. Dept: Clerk

R-2005-864

MMS #1514

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

PLANNED DEVELOPMENT PERMIT NO. 16446
SITE DEVELOPMENT PERMIT NO. 7888
ALPHA STREET INDUSTRIAL VILLAGE – PROJECT NO. 4805
CITY COUNCIL

This planned development permit/site development permit is granted by the Council of the City of San Diego to Virgil Gordon Group, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.1701, 126.0501, 126.0601, 125.0901, and 125.1001. The 1.57-acre site is located at 1294 Keeler Court in the I-2 zone of the Southeastern San Diego Planned District and the Transit Overlay Zone, within the Southcrest Neighborhood of the Southeastern San Diego Community Plan area. The project site is legally described as a portion of Lot 24, Block 59, Caruther's Addition, Map No. 27; Parcels A and B, Parcel Map of 781; and that portion of 42nd Street as closed and vacated by City Council Resolution No. R-264193.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing residential structures, a garage, and storage sheds and construct four industrial buildings, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 15, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Four industrial shell buildings totaling 14,052 square feet:
Building I -4,070 sq. ft.; Building II - 4,305 sq. ft.;
Building III - 4,627 sq. ft.; Building IV – 1,050 sq. ft.;
- b. Deviations to the side yard, rear yard and building modulations/offsetting planes requirements as follows:
 - Building I 10'-0" side yard at the closest point 30'-0" required
 - Building II 27'-8" rear yard 50'-0" required
 - Building III 41'-0" rear yard 50'-0" required

- Buildings I-IV Modulations in all elevations, not in conformance with specific requirements
- c. Landscaping (planting, irrigation and landscape related improvements);
 - d. Off-street parking facilities; and
 - e. 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.

10. Prior to issuance of the first building permit, the chain link fence with barbed wire/wrought iron fence and masonry wall, located within the Southcrest Park property, shall be removed. The chain link with barb wire/wrought iron fence and masonry wall shall be replaced with landscaped material in compliance with the Revegetation and Erosion Control standards SDMC section 142.0411 (a), and Table 142.04F-Permanent Revegetation and Irrigation Requirements of the SDMC, satisfactory to the Park and Recreation Department.

ENVIRONMENTAL REQUIREMENTS:

11. This permit does not grant approval of any activity or use on the premises or leased spaces that may generate any adverse environmental conditions or effects through its operations as defined by all applicable Federal, State or Local agencies.

12. The Owner/Permittee is required to ensure that all tenant "Uses" of the leased spaces are permitted by the I-2 zone of the Southeastern San Diego Planned District Ordinance and that all tenant "Uses" have applicable permits and safeguards in place to

maintain adequate environmental conditions as regulated by applicable Federal, State or Local agencies.

13. Adverse Environmental conditions and effects which may be regulated include but are not limited to the following:

- a. Air contaminants, including but not limited to smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxics, fumes, gases, odors, or particulate matter, or any combination thereof or any emissions that endanger human health, cause damage to vegetation or property or cause soiling.
- b. Loud, unnecessary or unusual noise which endangers health, peace or safety of others, or objectionable changes in temperature or direct or sky-reflected glare.
- c. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.

14. Toxic Materials – Applications for all “industrial uses” shall include a County of San Diego, Department of Health Services Hazardous Materials Management Division Toxics Disclosure Statement and completed Hazardous Materials Management Questionnaire, in addition to a completed City of San Diego Fire Department hazardous materials information form (Form FPB-500). The Development Services Department will meet with the Fire Department, the County of San Diego Department of Health Services and the Air Pollution Control District where necessary to determine the need for mitigating measures to reduce the risk of potential contaminants.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the closure of all non-utilized driveways with City standard curb, gutter and sidewalk, on Keeler Court, per Standard Drawings G-2, G-7, G-9 and SDG-100, satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of a non standard 30-foot driveway, on Keeler Court for emergency access only, and two 24-foot wide driveways on Alpha Street, per modified Standard Drawing SDG-114, G-16 and SDG-100, satisfactory to the City Engineer.

17. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the adjustment of existing water meters and sidewalk, adjacent to the project site on Keeler Court, to match with the existing curb, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permit, the applicant shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
20. Prior to the issuance of any construction permit, the applicant shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.
21. 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] Order 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.
22. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.
23. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
24. 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 City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
25. 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 replacements of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
26. 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 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
27. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal agreement from the City Engineer for the non standard driveway in the Keller court right-of-way.

LANDSCAPE REQUIREMENTS:

28. No change, modification, or alteration shall be made to the project, unless appropriate application or amendment of this Permit shall have been granted by the City.

29. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.

30. Prior to issuance of any construction permit 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.

31. 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. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

32. 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.

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.

34. Prior to issuance of any engineering permit for right-of-way improvements, complete landscape construction documents for right-of-way 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.

35. 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.

36. 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" (including Environmental conditions).

37. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

38. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

PLANNING/DESIGN REQUIREMENTS:

39. No fewer than forty-three 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/Land Development Code. Any changes made to the parking and or conversion for any other use shall be reviewed by the Development Services Department and approved by the City Manager.

40. 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.

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 Permittee.

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. 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.

45. 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."

46. Future tenant uses will be limited to those uses listed in the Southeastern San Diego Planned District Use Table Article 3, Division 17, Appendix A.

47. Any tenant uses which require additional permits or have additional regulations from fire or life safety agencies will also be subject to the requirements for Environmental Effects contained in Southeastern San Diego Planned District, SDMC section 103.1708 (n).

TRANSPORTATION REQUIREMENTS:

48. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

49. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department.

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

51. Prior to the issuance of any building permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for all approved structures or landscaping, including private sewer facilities and enhanced paving, installed in or over any sewer easement.

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

53. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be re-designed.

54. 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:

55. Prior to the issuance of any building permits, the Owner/Permittee shall design and construct 12-inch public water facilities within the Keeler Court right-of-way, from Alpha Street to the northerly property boundary, in a manner satisfactory to the Director of the Water Department and the City Engineer.

56. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), connecting to public water facilities within adjacent improved rights-of-way, and the removal of all existing water services adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

57. 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 within the development, including all domestic, fire and irrigation, in a manner satisfactory to the Director of the Water Department and the City Engineer.

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

59. Prior to the issuance of any certificates of occupancy, all 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.

60. The Owner/Permittee 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. Water facilities, as shown on approved Exhibit "A," will require modifications 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 these development permits, 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 Council of the City of San Diego on March 15, 2005 by Resolution No. R-300242.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

Virgil Gordon
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04