

RESOLUTION NUMBER R-300345

ADOPTED ON APRIL 19, 2005

WHEREAS, the Lee Mather Company, a California Corporation; the Max Christian and Hedy C. Christian Trust, Max and Hedy C. Christian, Trustees; Vernon Benson, an Individual; DeMent Family Trust, Robert R. DeMent, Trustee, Owners/AMPROP North Park, LLC, Permittee, filed an application with the City of San Diego for a site development permit to demolish the existing structures and construct 180 residential condominium units in a 7-story building, including twenty-seven affordable units, with mixed use and commercial/retail space, known as the Boulevard project, located on the north side of El Cajon Boulevard, between Florida and Alabama Streets, and legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by resolution No. 9635 of the Common Council of the City of San Diego, Township 16 South, Range 3 West, San Bernardino Base Meridian, in the Greater North Park Community Plan area, in the CL-1 and MR-800B zones of the Mid-City Communities Planned District; and

WHEREAS, on March 10, 2005, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] Permit No. 143667, and pursuant to Resolution No. 3691-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on April 19, 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; and

WHEREAS, after approval of the above-referenced project by the City Council, Lee Mather Company, transferred its portion of the property (APN 445-323-15 and APN 445-323-34) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; and

WHEREAS, after approval of the above-referenced project by the City Council, Max Christian and Hedy C. Christian, as Trustees of the Max Christian and Hedy C. Christian Trust, transferred its portion of the property (APN 445-323-20 and APN 445 323 21) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; and

WHEREAS, after approval of the above-referenced project by the City Council, Vernon J. Benson, an unmarried man, transferred his portion of the property (APN 445-323-19) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; and

WHEREAS, after approval of the above-referenced project by the City Council, Robert R. DeMent and Linda A. Dement, as Trustees of the DeMent Family Trust, as amended and restated on July 29, 2005, (formerly known as Robert R. DeMent, Trustee of the DeMent Family Trust, initially created September 16, 1998 and also known as the De Ment Family Trust of 9-18-

88, Robert De Ment, Trustee), transferred its portion of the property (APN 445-323-23, 445-323-33, and APN 445 323 35) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 143667:

A. **SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504**

1. **The proposed development will not adversely affect the applicable land use plan.** The Boulevard Project lies within the Mid-City Communities Planned District, the North Park Redevelopment Project Area, and the Greater North Park Community Planning area. The Community Plan encourages high density residential along El Cajon Boulevard as a part of multiple use areas, which promote the use of mass transit.

Recommendations of the Plan applicable to the site include promoting an atmosphere conducive to enhancing the pedestrian experience through wider sidewalks, uniform setbacks, enhanced landscaping within the public right-of-way, architectural detailing, usable plazas and tree plantings. According to the Plan, since El Cajon Boulevard is a major east-west transportation corridor, new development and redevelopment should occur in a manner that will eliminate or reduce reliance on mid-block driveways, which create conflicts with traffic flows. The Boulevard project proposes that no access be taken from El Cajon Boulevard.

The project proposes to provide access to parking through the rear alley and incorporate a 12-foot wide sidewalk along El Cajon Boulevard and 10-foot wide sidewalks along Florida and Alabama Streets. The project also proposes corner plazas with an area for a sidewalk café at the corner of El Cajon Boulevard at Florida Street. A uniform street tree theme would be created with 36-inch box street trees and the project proposes to maintain the existing mature eucalyptus trees along El Cajon Boulevard. The project would also include an enhanced bus stop on El Cajon Boulevard that would be maintained by the homeowner's association. The Plan also suggests that Florida Street be enhanced as a landscaped parkway between Balboa Park and the Trolley Barn Park site. The project proposes to incorporate 10-foot wide sidewalks along with enhanced landscaping and shade-producing street trees along Florida Street. Based on the proposed improvements, the proposed project would not adversely affect the recommendations embodied in the Greater North Park Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The site is approximately 1.54 acres, and stretches from Florida Street to Alabama Street along El Cajon Boulevard. The project site is within both the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance and lies within the North Park Redevelopment Project area and the Greater North Park Community Plan area. The site currently consists of a mix of uses, including strip retail, a used car lot, residential rentals, a church, and a paved parking lot. Surrounding the site is strip retail to the south and east, a hospital to the west, and residential to the north.

New construction would consist of 180 residential units, including: 146 market rate condominium flats, twenty-seven affordable condominium flats, and seven ground floor mixed-use lofts. The development would also include two commercial spaces totaling 4,292 square feet. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 308 standard parking spaces, nine disabled spaces, twenty motorcycle spaces, and storage for eighty-five bicycles. The project's parking exceeds the required parking per the Municipal Code (by four automobile parking spaces) and does not include any tandem spaces. All proposed construction would comply with state and local codes and regulations for construction.

Mitigated Negative Declaration No. 49662 was prepared, and finalized for the project on February 15, 2005 in accordance with the State of California Environmental Quality Act [CEQA] Guidelines. A Mitigation, Monitoring, and Reporting Program [MMRP] will be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

Because definitive records do not exist to verify if underground storage tanks were previously removed from the proposed project site, mitigation requirements have been specified to ensure remediation of the site to levels acceptable to the County Department of Environmental Health [DEH] for commercial and residential uses. California State law requires responsible parties (persons responsible) to take corrective actions, including investigation and remediation (cleanup) of soil and groundwater contamination caused by an unauthorized release. The results of the environmental investigation must demonstrate to the satisfaction of the DEH that the site is acceptable for residential use so that the DEH can issue a No Further Action closure letter.

Implementation of the MMRP, as further discussed in Section V of the Mitigated Negative Declaration, would mitigate potentially significant public health and safety impacts to below a level significance. As stated in the MMRP, prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the DEH verifying DEH approval that the site meets the criteria for commercial and residential uses.

Site Design Best Management Practices [BMPs] are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought

tolerant landscaping, automatic programmable timers, “good housekeeping” materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. In addition, drainage from the developed portion of the project will pass through a hydrodynamic separation system before discharging into the municipal storm drain system. Therefore, the project will not be detrimental to the public health, safety, or welfare of the community.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The project proposes to deviate from the SDMC requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The Mid-City Communities Planned District Ordinance [MCCPDO] allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site Development Permit findings can be made. Staff believes that the Planning Commission can make the appropriate findings based on the following information.

#### Height

The Maximum height allowed in the MR-800 zone is 60 feet. The project is designed with a building height of 78 feet and a maximum height of 88 feet at various tower elements. While there is no height limit within the CL-1 zone along El Cajon Boulevard, the project was designed to spread the height across the entire project (both CL-1 and MR-800B zones) in order to: (1) make the project more in keeping with the nature of the neighborhood, (2) lessen potential shadowing onto neighboring properties, and (3) avoid stepping up to much more expensive types of construction, which would increase the required Redevelopment Agency subsidy and, as per the applicant, render the project financially infeasible. Therefore, staff supports the requested deviation to allow the height in the CL-1 zone (where there is no height limit) to be consistent with, and transferred to, portions of the MR-800B parcels.

#### Setbacks/Step-backs

The project is designed with deviations to the required setbacks along El Cajon Boulevard, Alabama Street, and Florida Street. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building. The required setback along El Cajon Boulevard is 20 feet at the ground level and an additional six feet (step-back) for every story above the story below. The building is sited at the property line with a zero foot setback at the ground level and all stories above the ground level.

The project includes commercial retail, including mixed-use (live-work style) units, along the entire El Cajon Boulevard frontage, which has a 20-foot wide sidewalk. The setback deviation along El Cajon Boulevard is requested to create a stronger interface between the sidewalk and pedestrians and the retail component, which is a key component of the North Park Community Plan. This is consistent with most of the retail areas along El Cajon Boulevard, and also reflects the current situation with the existing structures. It is also intended to enhance the urban context of this and other future projects along that stretch of the street by creating a strong street wall at the property line. Therefore, staff supports the requested setback deviation.

The project design originally included a 15-foot step-back along El Cajon Boulevard, and the north side of the structure west of the alley was an additional story in height. At staff's request, the applicant lowered the height on the north side of the development (to reduce the impact on the residential to the north). In order to retain the proposed number of units on-site, the applicant requested, and staff supported, a deviation to the step-back requirement along El Cajon Boulevard.

The required setback along Alabama Street is 6 feet at the ground level and an additional 6 feet for every story above the story below. The building is sited at the property line with a 0 foot setback at the ground, second, and third stories. The building is setback 10 feet at the fourth and fifth stories, with balconies setback at 4 feet.

The deviations to the setback and step-back requirements are requested along Alabama Street to implement a similar design concept to the one employed for El Cajon Boulevard, so that the retail element would be consistent as it turned the corner. The design also includes mixed-use units along Alabama Street to the north of the project entrance, and the same 20 foot sidewalk width is maintained along the entire Alabama Street frontage.

In addition, the step-back deviation would allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Alabama Street.

Additionally, the applicant has cited that meeting the setback and step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

The required setback along Florida Street is six feet at the ground level and an additional six feet for every story above the story below. The building observes the 6 foot setback at the ground level. The building is setback 6 feet at the second and third stories. The building is further articulated with an 11 foot setback at the fourth and fifth stories, with balconies setback 7 feet.

Because Florida Street has a 10-foot parkway rather than a 20-foot parkway as on El Cajon Boulevard and Alabama Street, the proposed design honors the 6-foot setback requirement and no deviation is requested. With the building set back 16 feet on Florida Street and 20 feet on El Cajon Boulevard and Alabama Street, the building will have a uniform appearance. A deviation from the 6-foot step-back requirement is being requested to allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Florida Street.

Additionally, the applicant has cited that meeting the step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

#### Street Yard Requirement

The San Diego Municipal Code Minimum Street Yard requirements along Alabama Street, Florida Street, and El Cajon Boulevard require a minimum street yard of 10,300 square feet, 25 percent of which must be landscaped. In lieu of the specific street yard requirement, the applicant is proposing the following along Alabama Street and/or El Cajon Boulevard:

1. 4,000 square feet of deck landscape area,
2. 6,500 square feet of enhanced paving area,
3. Two fountains,
4. Upsized street trees along Alabama Street (36 inch box size where 24 inch is required),
5. A 7-foot wide turf strip and seat-height planters adjacent to the curb,
6. Planting strips adjacent to the building, and
7. Tree grates for the proposed street trees.

In addition, the Applicant shall, as a condition of the building permit, construct an enhanced bus stop in accordance with the Metropolitan Transit Development Board design standards. The bus stop will be maintained by the condominium homeowner's association [HOA].

On Florida Street, the Applicant is upsizing the palms to 15 feet brown trunk height (8 feet required) and providing 6 feet of landscape area within the entire street yard (4 feet required).

On the upper levels of the building, private decks have been provided facing the streets allowing residents the opportunity to step outside and create a lively streetscape with seating and private planting areas. On the deck level within the project, planter areas have been shaped to create outdoor gathering spaces for the residents. Therefore, staff supports the requested deviation to the street yard requirement.

#### Corner Visibility Area

El Cajon Boulevard/Alabama Street. A deviation from the visibility triangle is requested at the corner of Alabama Street and El Cajon Boulevard, as the structure is proposed to be built to the property line. This is to enhance the urban, pedestrian-oriented feel of the project. At this intersection, a stop sign will force southbound traffic to a complete stop before proceeding. Also, the combination of 20-foot wide parkways on El Cajon Boulevard and Alabama Street and modified building design at the southeast corner of the building provide acceptable visibility area for traffic approaching the El Cajon Boulevard/Alabama Street intersection.

El Cajon Boulevard/Florida Street: A deviation from the visibility triangle is requested at the corner of Florida Street and El Cajon Boulevard, as the structure is proposed to be built to property line. This is to enhance the urban, pedestrian-oriented feel of the project. The combination of the 20-foot wide parkway on El Cajon Boulevard, the 16-foot wide parkway on Florida Street, and the modified building design at the southwest corner of the building provide

an acceptable visibility area for traffic approaching the El Cajon Boulevard/Florida street intersection.

Density - The CL-1 and MR- 800B zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (twenty-seven units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The 35 percent density bonus would permit the development of forty-seven additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B zone = twenty-four units  
CL-1 zone = 109 units  
Total Units = 133 X 35% = 180 units

Other than deviations and justification for support described above, the proposed development will comply with the applicable regulations of the Land Development Code.

**B. SITE DEVELOPMENT PERMIT IN MID-CITY COMMUNITIES PLANNED DISTRICT ORDINANCE - SDMC SECTION 103.1504(H)4)(A-F)**

**1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District, the Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, or the General Plan of the City of San Diego.** The Boulevard at North Park is designed to meet the purpose and intent of the Mid-City Community Planned District, The Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard. The Boulevard is located within the Greater North Park Community Plan area, which designates the site for high density residential with a commercial component. Along El Cajon Boulevard, the Community Plan encourages high density residential as part of multiple use areas serving “that residential development as well as other residential areas within walking distance,” as well as taking advantage of the El Cajon Boulevard transit corridor.

The Greater North Park Community Plan designates the approximately one-acre portion of the site along El Cajon Boulevard for Commercial allowing High to Very High Residential at fifty-five to seventy-five dwelling units per acre with an opportunity to obtain a density bonus of up to 110 dwelling units per acre based on parcel accumulation along with compliance with the Urban Design Element of the Plan. The approximately half-acre portion of the site along Alabama Street is designated for High Residential at fifty-five to seventy-five dwelling units per acre. The



site could therefore accommodate between eighty and 144 residential dwelling units. In order to achieve 180 residential dwelling units on site, the applicant has requested an affordable housing density bonus.

The CL-1 and MR- 800B zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 Zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately twenty-four units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (twenty-seven units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The 35 percent density bonus would permit the development of forty-seven additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B zone = twenty-four units  
CL-1 zone = 109 units  
Total Units = 133 X 35% = 180 units

The proposed project of 180 condominium units, which includes seven ground floor mixed-use lofts and twenty-seven affordable for-sale units, and two commercial spaces totaling approximately 4,300 square feet, is consistent with the long range goals of the Community Plan, and implements the objectives of the Plan. The project meets the applicable zoning, is high density, multiple-use, and will have an enhanced bus stop in front of the building to encourage utilization of mass transit. The Boulevard also matches the scale and size to the surrounding area by distributing the height across the zones to minimize the impact on the neighboring properties.

As a result of the design meeting the purpose and intent of the applicable plans, the proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District, the Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, or the General Plan of the City of San Diego.

**2. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practical.** The Boulevard is in an area designated for high-density, mixed-use, and consists of 180 residential units, including: 146 market rate condominium flats, twenty-seven affordable condominium flats, and seven ground floor mixed-use lofts. The development will also include two commercial spaces. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 308 standard parking spaces, nine disabled spaces, twenty motorcycle spaces, and eighty-five bicycle storage lockers. The parking provided slightly exceeds the required parking per the

Municipal Code, and all proposed construction would comply with state and local codes and regulations for construction.

The Boulevard stands approximately seven stories (five stories residential over two levels parking), or 88 feet above grade at the highest point. There is no height limit for the approximately one-acre portion of the site zoned CL-1. The approximately one-half acre portion of the site zoned MR-800B has a 60-foot height limit, when over enclosed parking. While a deviation is being requested for the height over a portion of the MR-800 zone, the project seeks to be respectful of neighboring properties by limiting the height, despite no height limit on the CL-1 zone. In addition, the height varies throughout the project and incorporates step-backs and relief points to break up the mass and scale of the project.

Included in the development plan are also infrastructure enhancements that will benefit the community. These include widening the existing alley to the City standard that will direct traffic to a signalized intersection, sewer and water line upgrades, and an enhanced bus stop.

**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 site is approximately 1.54 acres, and stretches from Florida Street to Alabama Street along El Cajon Boulevard. The project site is within both the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance and lies within the North Park Redevelopment Project area and the Greater North Park Community Plan area. The site currently consists of a mix of uses, including strip retail, a used car lot, residential rentals, a church, and a paved parking lot. Surrounding the site is strip retail to the south and east, a hospital to the west, and residential to the north.

New construction would consist of 180 residential units, including: 146 market rate condominium flats, twenty-seven affordable condominium flats, and seven ground floor mixed-use lofts. The development would also include two commercial spaces totaling 4,292 square feet. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 308 standard parking spaces, nine disabled spaces, twenty motorcycle spaces, and storage for eighty-five bicycles. The project's parking exceeds the required parking per the Municipal Code (by four automobile parking spaces) and does not include any tandem spaces. All proposed construction would comply with state and local codes and regulations for construction.

Mitigated Negative Declaration No. 49662 was prepared, and finalized for the project on February 15, 2005 in accordance with the State of California Environmental Quality Act [CEQA] Guidelines. A MMRP will be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

Because definitive records do not exist to verify if underground storage tanks were previously removed from the proposed project site, mitigation requirements have been specified to ensure remediation of the site to levels acceptable to the DEH for commercial and residential uses.

California State law requires responsible parties (persons responsible) to take corrective actions, including investigation and remediation (cleanup) of soil and groundwater contamination caused by an unauthorized release. The results of the environmental investigation must demonstrate to the satisfaction of the DEH that the site is acceptable for residential use so that the DEH can issue a No Further Action closure letter.

Implementation of the MMRP, as further discussed in Section V of the Mitigated Negative Declaration, would mitigate potentially significant public health and safety impacts to below a level significance. As stated in the MMRP, prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the DEH verifying DEH approval that the site meets the criteria for commercial and residential uses.

Site Design Best Management Practices [BMPs] are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. In addition, drainage from the developed portion of the project will pass through a hydrodynamic separation system before discharging into the municipal storm drain system. Therefore, the project will not be detrimental to the public health, safety, or welfare of the community.

**4. For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by SDMC Section 103.1504(h)(1)(A)(i) or Section 103.1504(h)(1)(A)(ii), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of ten feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities.** The proposed project is a mixed residential/commercial project not within the park-deficient neighborhoods shown on Map Number B-4104. The project does, however, provide a private community center for residents, a large landscaped courtyard with water features, and private balconies for most units.

**5. In the absence of a streetlight within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on site.** The project is located between Florida and Alabama Streets along El Cajon Boulevard in an urbanized area of North Park. Street lighting is currently provided within 150 feet of the property.

**6. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.** The project proposes to deviate from the SDMC requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The MCCPDO allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site

Development Permit findings can be made. Staff believes that the Planning Commission can make the appropriate findings based on the following information.

### Height

The Maximum height allowed in the MR-800 zone is 60 feet. The project is designed with a building height of 78 feet and a maximum height of 88 feet at various tower elements. While there is no height limit within the CL-1 zone along El Cajon Boulevard, the project was designed to spread the height across the entire project (both CL-1 and MR-800B zones) in order to: (1) make the project more in keeping with the nature of the neighborhood, (2) lessen potential shadowing onto neighboring properties, and (3) avoid stepping up to much more expensive types of construction, which would increase the required Redevelopment Agency subsidy and, as per the applicant, render the project financially infeasible. Therefore, staff supports the requested deviation to allow the height in the CL-1 zone (where there is no height limit) to be consistent with, and transferred to, portions of the MR-800B parcels.

### Setbacks/Step-backs

The project is designed with deviations to the required setbacks along El Cajon Boulevard, Alabama Street, and Florida Street. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building. The required setback along El Cajon Boulevard is 20 feet at the ground level and an additional six feet (step-back) for every story above the story below. The building is sited at the property line with a zero-foot setback at the ground level and all stories above the ground level.

The project includes commercial retail, including mixed-use (live-work style) units, along the entire El Cajon Boulevard frontage, which has a 20-foot wide sidewalk. The setback deviation along El Cajon Boulevard is requested to create a stronger interface between the sidewalk and pedestrians and the retail component, which is a key component of the North Park Community Plan. This is consistent with most of the retail areas along El Cajon Boulevard, and also reflects the current situation with the existing structures. It is also intended to enhance the urban context of this and other future projects along that stretch of the street by creating a strong street wall at the property line. Therefore, staff supports the requested setback deviation.

The project design originally included a 15-foot step-back along El Cajon Boulevard, and the north side of the structure west of the alley was an additional story in height. At staff's request, the applicant lowered the height on the north side of the development (to reduce the impact on the residential to the north). In order to retain the proposed number of units on-site, the applicant requested, and staff supported, a deviation to the step-back requirement along El Cajon Boulevard.

The required setback along Alabama Street is six feet at the ground level and an additional six feet for every story above the story below. The building is sited at the property line with a zero foot setback at the ground, second, and third stories. The building is setback 10 feet at the fourth and fifth stories, with balconies setback at 4 feet.

The deviations to the setback and step-back requirements are requested along Alabama Street to implement a similar design concept to the one employed for El Cajon Boulevard, so that the

retail element would be consistent as it turned the corner. The design also includes mixed-use units along Alabama Street to the north of the project entrance, and the same 20-foot sidewalk width is maintained along the entire Alabama Street frontage.

In addition, the step-back deviation would allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Alabama Street.

Additionally, the applicant has cited that meeting the setback and step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

The required setback along Florida Street is 6 feet at the ground level and an additional 6 feet for every story above the story below. The building observes the 6-foot setback at the ground level. The building is setback 6 feet at the second and third stories. The building is further articulated with an 11-foot setback at the fourth and fifth stories, with balconies setback 7 feet.

Because Florida Street has a 10-foot parkway rather than a 20-foot parkway as on El Cajon Boulevard and Alabama Street, the proposed design honors the six-foot setback requirement and no deviation is requested. With the building set back 16 feet on Florida Street and 20 feet on El Cajon Boulevard and Alabama Street, the building will have a uniform appearance. A deviation from the six-foot step-back requirement is being requested to allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Florida Street.

Additionally, the applicant has cited that meeting the step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

#### Street Yard Requirement

The San Diego Municipal Code Minimum Street Yard requirements along Alabama Street, Florida Street, and El Cajon Boulevard require a minimum street yard of 10,300 square feet, 25 percent of which must be landscaped. In lieu of the specific street yard requirement, the applicant is proposing the following along Alabama Street and/or El Cajon Boulevard:

1. 4,000 square feet of deck landscape area,
2. 6,500 square feet of enhanced paving area,
3. Two fountains,
4. Upsized street trees along Alabama Street (36 inch box size where 24 inch is required),

5. A 7-foot wide turf strip and seat-height planters adjacent to the curb,
6. Planting strips adjacent to the building, and
7. Tree grates for the proposed street trees.

In addition, the Applicant shall, as a condition of the building permit, construct an enhanced bus stop in accordance with the Metropolitan Transit Development Board design standards. The bus stop will be maintained by the condominium homeowner's association [HOA].

On Florida Street, the Applicant is upsizing the palms to 15 feet brown trunk height (8 feet required) and providing 6 feet of landscape area within the entire street yard (four feet required).

On the upper levels of the building, private decks have been provided facing the streets allowing residents the opportunity to step outside and create a lively streetscape with seating and private planting areas. On the deck level within the project, planter areas have been shaped to create outdoor gathering spaces for the residents. Therefore, staff supports the requested deviation to the street yard requirement.

#### Corner Visibility Area

El Cajon Boulevard/Alabama Street. A deviation from the visibility triangle is requested at the corner of Alabama Street and El Cajon Boulevard, as the structure is proposed to be built to the property line. This is to enhance the urban, pedestrian-oriented feel of the project. At this intersection, a stop sign will force southbound traffic to a complete stop before proceeding. Also, the combination of 20-foot wide parkways on El Cajon Boulevard and Alabama Street and modified building design at the southeast corner of the building provide acceptable visibility area for traffic approaching the El Cajon Boulevard/Alabama Street intersection.

El Cajon Boulevard/Florida Street: A deviation from the visibility triangle is requested at the corner of Florida Street and El Cajon Boulevard, as the structure is proposed to be built to property line. This is to enhance the urban, pedestrian-oriented feel of the project. The combination of the 20-foot wide parkway on El Cajon Boulevard, the 16-foot wide parkway on Florida Street, and the modified building design at the southwest corner of the building provide an acceptable visibility area for traffic approaching the El Cajon Boulevard/Florida street intersection.

Density - The CL-1 and MR- 800B zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (27 units) shall be affordable to moderate income households (household income does not

exceed 120 percent of area median income). The 35 percent density bonus would permit the development of forty-seven additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B zone = 24 units  
CL-1 zone = 109 units  
Total Units = 133 X 35% = 180 units

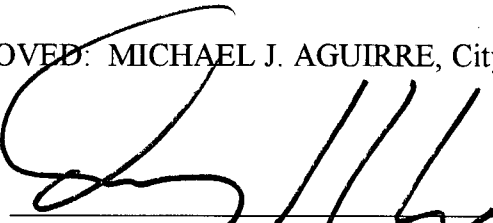
Other than deviations and justification for support described above, the proposed development will comply with the applicable regulations of the Land Development Code.

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 Site Development Permit No. 143667 is granted to AMPROP North Park, LLC, and BFC-Seabridge, LLC, Owners/Permittees, 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

WWW:DKH:pev  
04/29/05  
09/20/05  
Or.Dept:Clerk  
R-2005-1122  
MMS #1701  
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

**SITE DEVELOPMENT PERMIT NO. 143667**  
**THE BOULEVARD [MMRP] PROJECT NO. 49662**  
**CITY COUNCIL**

This site development permit is granted by the Council of the City of San Diego to AmProp North Park, LLC., and BFC-Seabridge, LLC Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 1.54 acre site is located at on the north side of El Cajon Boulevard, at 2030 El Cajon Boulevard, between Florida and Alabama Streets in the CL-1 and MR-800B zones of the Mid-City Community Planned District, and within the North Park Redevelopment Project Area and the Greater North Park Community Plan Area. The project site is legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by Resolution No. 9635 of the Common Council of the City of San Diego, Township 16 South, Range 3 West, San Bernardino Base Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee to demolish the existing structures and construct 180 units in a 7-story building, including twenty-seven affordable units, with mixed-use and commercial/retail space, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 19, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. a 7-story, 232,458 square foot building housing 180 residential, for sale, condominium units (twenty-seven affordable), 4,292 square feet of retail, 14,231 square feet of mixed-use area, and 131,980 square feet of garage area on three floors;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. 9,310 square feet of private open areas (balconies), 13,189 square feet of common open areas (terraces), and 3,592 square feet of resident community area;



- d. Off-street parking facilities;
- e. Construction of an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board [MTDB] design standards; 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.

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, 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.

13. Prior to the issuance of the any building permits, the applicant shall construct an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board [MTDB] design standards. The bus stop shall be maintained by the condominium home owner's association [HOA].

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

15. As conditions of Site Development Permit No. 143667 and Vesting Tentative Map No. 172036, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, No. 49662 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

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

17. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration No. 49662 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be completed to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Noise, Public Health and Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

**AFFORDABLE HOUSING REQUIREMENTS:**

18. Prior to receiving the first residential building permit, the applicant 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) and the Density Bonus Affordable Housing Requirements pursuant to California Government Code sections 65915-65918 and SDMC Chapter 14, Article 3, Division 7.

19. The applicant has elected to meet these requirements by selling at least 20 percent of the pre-density bonus units (twenty-seven units) to, and at prices affordable to, median and moderate income households: thirteen of the units (four 1-bedroom units and nine 2-bedroom units) shall be affordable to households earning no more than 100 percent AMI with affordable housing costs not exceeding the product of 35 percent times 100 percent of area median income adjusted for family size appropriate for the unit; and fourteen of the units (five 1-bedroom units and nine 2-bedroom units) shall be affordable to households earning no more than 120 percent AMI with affordable housing costs not exceeding the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the restricted units are built and sold to appropriate households.

**ENGINEERING REQUIREMENTS:**

20. Prior to the issuance of any construction permit, the Applicant shall incorporate any construction Best Management Practices [BMPs] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

21. Prior to the issuance of a building permit 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.

22. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRC.

23. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

24. The drainage system proposed for this development is private and subject to approval by the City Engineer.

25. Prior to the issuance of any construction permit the Applicant shall incorporate and show the type and location of all post-construction BMPs on the final construction drawings, in accordance with the approved Water Quality Technical Report.

26. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

27. Prior to the issuance of any building permits, the applicant shall dedicate, and assure by permit and bond the improvement of the adjacent alley including construction of a new alley apron, satisfactory to the City Engineer.

28. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the curb with City standard curb and gutter, adjacent to the site satisfactory to the City Engineer.

29. All driveways and curb openings shall comply with City Standard Drawings G-14A , G-16 and SDG-100.

30. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance And Removal Agreement [EMRA], for all private structures proposed in the public right-of-way, including the proposed structural treatment best management practice.

31. All export material 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.

32. Prior to the issuance of a building permit, the applicant shall assure by permit and bond the replacement of any damaged sidewalk adjacent to the site, satisfactory to the City Engineer.

33. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the reconstruction of existing curb ramps to current City Standards and the construction of new curb ramps at the alley entrance (both sides) adjacent to the site, satisfactory to the City Engineer.

34. Prior to commencing foundation construction, a Geologic Observation Report shall be submitted and approved by the Geology Section of the Development Services Department.

#### **LANDSCAPE REQUIREMENTS:**

35. Prior to issuance of any engineering permits for right-of-way improvements, landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square feet 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.

36. Prior to issuance of any engineering permits for grading, construction documents for temporary erosion control including hydroseeding 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 Exhibit "A" (including Environmental conditions).

37. 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.

38. 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.

39. If any required landscape (including existing or new plantings, street trees, 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 and prior to issuance of any Certificate of Occupancy.

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

41. 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 and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees.

**PLANNING/DESIGN REQUIREMENTS:**

42. No fewer than 304 automobile spaces (nine accessible), twenty motorcycle spaces, and eighty-five bicycle 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," or
- b. Citywide sign regulations.

49. The applicant shall post a copy of the approved Site Development permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.

50. 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.

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

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

53. 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.

54. 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.

55. 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."

**WASTEWATER REQUIREMENTS:**

56. Prior to the issuance of any building permits, the developer shall abandon certain on-site public sewer mains and relocate the sewer mains to the street, satisfactory to the Director of the Metropolitan Wastewater Department. Any associated public easements shall be vacated, satisfactory to the Director of the Metropolitan Wastewater Department.

57. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.
58. 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.
59. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement or public right-of-way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
60. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
61. 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.
62. The developer will be required to provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one ownership.

**WATER REQUIREMENTS:**

63. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch public water facilities within the Alabama Street right-of-way from El Cajon Boulevard to the northerly property boundary, in a manner satisfactory to the Director of the Water Department and the City Engineer.
64. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch by 12-inch cross connection with appropriate valves and reducers at the intersection of Florida Street and El Cajon Boulevard, in a manner satisfactory to the Director of the Water Department and the City Engineer.
65. 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.
66. 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.



67. 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.

68. 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.

69. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

**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 Council of the City of San Diego by Resolution No. R-300345 on April 19, 2005.

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.

AmProp North Park, LLC, Owner/Permittee

By \_\_\_\_\_

BFC-Seabridge, LLC, Owner/Permittee

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04