

RESOLUTION NUMBER R-300564

ADOPTED ON JUNE 21, 2005

WHEREAS, Tong Le and Nga Hoang, husband and wife; Nam Nguyen, a married man, and Binh Nguyen, a married man; the City of San Diego; the City of San Diego Redevelopment Agency, a Municipal Corporation; Sedlack Development Company, a California Limited Partnership, Owners/Auburn Park Family Housing, a Limited Liability Corporation, Permittee, filed an application with the City of San Diego for a site development permit/planned development permit to demolish an existing duplex and construct sixty-eight affordable for-rent residential units and one manager occupied for-rent unit, known as the Auburn Park project, located at the southwest corner of University Avenue and 52nd Street (Assessor's Parcel Numbers 472-481-01, 472-481-02, 472-481-03, 472-481-09, 472-481-20, 472-481-21, and 471-622-15), and legally described as a Portion of Lots 1, 6, & 7 and All of Lots 2, 3, & 8 of Oak Park Annex according to Map thereof No. 1764 and Lot 17 of Oak Park according to Map thereof No. 1732 in the City of San Diego, County of San Diego, State of California, Township 10 South, Range 2 West, San Bernardino Base Meridian, in the Central Urbanized Planned District and the City Heights Community of the Mid-City Communities Plan area, in the CC-5-4 zone (proposed to be rezoned to the RM-2-5 zone); and

WHEREAS, on May 26, 2005, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 125168/Planned Development Permit [PDP] No. 215840, and pursuant to Resolution No.3772-PC voted to recommend City Council approval of SDP No. 125168/PDP No. 215840; and

WHEREAS, the matter was set for public hearing on June 21, 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, Sedlack Development Company, Owner, transferred its portion of the property (APN 472-481-09 and 20) to Auburn Park Family Housing, LLC, thereby making Auburn Park Family Housing, LLC the new Owner of that portion of the Auburn Park project; and

WHEREAS, after approval of the above-referenced project by the City Council, Nam Nguyen, a married man, and Binh Nguyen, a married man, Owners, transferred their portion of the property (APN 472-481-01, 02 and 03) to Auburn Park Family Housing, LLC, thereby making Auburn Park Family Housing, LLC, the new Owner of that portion of the Auburn Park project; and

WHEREAS, after the transfer of the portion of the property (APN 472-431-01, 02, and 03) to Auburn Park Family Housing, LLC, Auburn Park Family Housing, LLC, Owner, then transferred a portion of their property (APN 472-481-01, 02 and 03) to the Redevelopment Agency of the City of San Diego, thereby making the Redevelopment Agency of the City of San Diego the new Owner of that portion of the Auburn Park project; and

WHEREAS, after approval of the above-reference project by the City Council, Tong T. Le and Nga N. Hoang, husband and wife, Owners, transferred their portion of the property (APN 471-622-15) to Auburn Park Family Housing, LLC, thereby making Auburn Park Family Housing, LLC, the new Owner of that portion of the Auburn Park project; and

WHEREAS, after the transfer of the portion of the property (APN 471-622-15) to Auburn Family Housing, LLC, Auburn Family Housing, LLC, Owner, then transferred a portion of their property (APN 471-622-15) to the Redevelopment Agency of the City of San Diego, thereby making the Redevelopment Agency of the City of San Diego the new Owner of that portion of the Auburn Park project; and

WHEREAS, after approval of the above-reference project by the City Council, the City of San Diego, Owner, transferred its portion of the property to the Redevelopment Agency of the City of San Diego, thereby making the Redevelopment Agency of the City of San Diego, the new Owner of that portion of the Auburn Park project; 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. 125168 and Planned Development Permit No. 215840:

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

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The 1.95-acre project site is located in the City Heights area of the Mid-City Communities Plan. The Mid-City Communities Plan designates the site for industrial development including light industrial and commercial uses. A General/Community Plan Amendment is proposed to redesignate the project site to Residential (21 to 25 dwelling units per acre) which would accommodate 40 to 49 dwelling units on the project site. Together with a requested density bonus for affordable housing, this designation would accommodate the sixty-nine residential dwelling units proposed.

The proposed project would not adversely affect the Mid-City Communities Plan in that it would implement several policies and recommendations of the plan. The project would implement the recommendations of the Land Use Element of the community plan by creating more opportunities for residential housing and encouraging housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. The project would also implement recommendations within the Natural and Cultural Resources Element of the community plan for improving and enhancing riparian habitat in Chollas Creek. The project would be removing trash, debris, and non-native plant species from the creek as well

WHEREAS, after the transfer of the portion of the property (APN 471-622-15) to Auburn Family Housing, LLC, Auburn Family Housing, LLC, Owner, then transferred a portion of their property (APN 471-622-15) to the Redevelopment Agency of the City of San Diego, thereby making the Redevelopment Agency of the City of San Diego the new Owner of that portion of the Auburn Park project; and

WHEREAS, after approval of the above-reference project by the City Council, the City of San Diego, Owner, transferred its portion of the property to the Redevelopment Agency of the City of San Diego, thereby making the Redevelopment Agency of the City of San Diego, the new Owner of that portion of the Auburn Park project; and

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The proposed project would not adversely affect the Mid-City Communities Plan in that it would implement several policies and recommendations of the plan. The project would implement the recommendations of the Land Use Element of the community plan by creating more opportunities for residential housing and encouraging housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. The project would also implement recommendations within the Natural and Cultural Resources Element of the community plan for improving and enhancing riparian habitat in Chollas Creek. The project would be removing trash, debris, and non-native plant species from the creek as well

as revegetating the creek with native plant species within a 20 to 65 foot landscape buffer as called for in the Chollas Creek Enhancement Program. The project would also provide access to a 0.70-acre pocket park from University Avenue and would meet the recommendation in the Urban Design Element for encouraging acquisition of vacant or under-used land for park or recreation development along the street. Furthermore, the project would implement recommendations in the Transportation Element of the community plan for improving pedestrian orientation along University Avenue through the provision of a 9-foot sidewalk, the incorporation of street trees, and by providing direct access to the proposed park and residential units from University Avenue. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The subject 1.95-acre property is located on the south side of University Avenue and the west side of 52nd Street, within the Central Urbanized Planned District, the City Heights Redevelopment Project Area, and the City Heights Community of the Mid-City Communities Plan area. The site is also located within the Central Urbanized Planned District, is zoned CC-5-4 (Commercial Community), and is mostly vacant, other than the existence of a 2-story residential duplex. The project is not located within the City of San Diego's Multi-Habitat Planning area.

The development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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. 43239 was prepared, and finalized for the project on April 20, 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: Archaeology, Paleontology, and Waste Management.

A "Phase 1 Environmental Site Assessment, City Heights Residential Development, 5085-5113 University Avenue" (March 30, 2004) was prepared for this project by P & D Environmental. According to the report, the project site consists of seven separate parcels of which only two had been previously developed. The duplex at 5085 University Avenue was constructed in approximately 1930 on one parcel and has undergone some alterations. One other parcel, 5109-5113 University Avenue was developed with a light industrial building in approximately 1951; and the building was demolished in 1986.

P & D Environmental conducted a search of environmental records, and an on-site investigation. According to the research and investigation, no evidence of hazardous materials

other than the potential asbestos and lead-base paint contamination of the existing duplex was found either on the site or from adjacent sites. Therefore, the report recommended that a comprehensive survey for asbestos-containing material and the abatement of any damaged lead-based surfaces be conducted prior to the disposal of the substrate material and the development of the site. The appropriate disposal of these materials falls under the jurisdiction of the San Diego County Department of Environmental Health which would ensure compliance with state laws. Therefore, no mitigation would be required.

The San Diego Police Department (Crime Prevention through Environmental Design Unit) reviewed preliminary plans and made recommendations on security features for the proposed project. The project incorporated the recommendations and would be designed in accordance with the Crime Prevention through Environmental Design guidelines.

Drainage from the site would be directed into the existing storm drain system. The applicant would be required to utilize Best Management Practices [BMPs] during construction which could include the installation of jute matting, silting basins or other silt control measures. Therefore, the project will not be detrimental to the public health, safety, or welfare of the community.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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.

The project proposes to deviate from the SDMC requirements for height, setbacks, storage requirements, private exterior open space, architectural projections, architectural features, and visibility areas. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the City Council can make the appropriate findings based on the following information.

Height

The Maximum height allowed in the proposed RM-2-5 zone is 40 feet. The project is designed with a maximum building height of 52 feet. The applicant is requesting the deviation due to the challenging onsite topography, with grades ranging from approximately 284 feet to 330 feet. Of the four buildings proposed, only Building C would exceed the 40 foot height limit. The applicant is requesting the deviation to maximize development on the project site while minimizing the impact to the Chollas Creek and proposed onsite open space. The requested deviation would be beneficial to the community by: allowing for more intense development on a smaller portion of the site, which would help provide the open space, the required buffer, and

revitalized areas of Chollas Creek; allowing for a strong urban design edge at an active intersection in the community; ensuring the development of sixty-eight affordable rental housing units; and assisting in the overall feasibility of the project on a constrained site. Therefore, staff supports the requested height deviations.

Setbacks

The project is designed with deviations to the required setbacks along University Avenue, 52nd Street, and the side yard setback, on the south side of the project. The San Diego Municipal Code requires the following:

1. A front setback (52nd Street) of 20 feet (applicant requesting a 0 foot setback);
2. A street side setback (University Avenue) of 13 feet (applicant requesting a 0 foot setback);
3. A side setback (south side of project) of 13 feet (applicant requesting a 5 foot setback); and
4. A rear setback of 15 ft. (applicant requesting a 0 foot setback at Cul-de-sac only. Otherwise the project would meet the side setback requirement).

The project proposes the setback deviations to maximize the site's available and usable land. The project site is constrained by extreme topographic changes (grades range from approximately 280 feet to 330 feet) which limit the build-able area of the site; a required buffer from, and proposed revitalization of, the Auburn Branch of the Chollas Creek; and the proposal for approximately 16,300 square feet of usable open space.

The requested setback deviations would be beneficial to the community by: allowing for location of the building mass toward University Avenue and 52nd Street, which would help provide the open space, the required buffer, and revitalized areas of Chollas Creek; allowing for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building; allow for the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing. Therefore, staff supports the requested setback deviations.

Storage Requirements

The San Diego Municipal Code requires that each dwelling unit in all RM zones shall have a fully enclosed personal storage area outside of the unit that is at least 240 cubic feet [CF], with a minimum of seven-foot horizontal dimension in one plane. The applicant is proposing that 62 percent of the units have 60 CF to 128 CF of storage while the remaining 38 percent of the units have 48 to 50 CF of storage; and that the 7-foot horizontal dimension not be met. As designed, each unit has either an interior (half of the units) or exterior storage area (half of the units), and that the distribution of storage sizes is provided given the size of the unit.

As proposed, the three-bedroom units would have 104 to 128 CF of storage while the studios, 1- and 2-bedroom units would have 48 to 104 CF of storage. The applicant is requesting

the deviation due to the limited buildable area of the site area. The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested storage area deviations.

Private, Exterior Open Space

The San Diego Municipal Code requires that, in the RM-2-5 zone, at least 75 percent of the dwelling units shall be provided with have at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet. The applicant is proposing that only 62 percent of units have the required 60 square feet, and the remaining 38 percent of units would have 40 -50 square feet. All of the proposed sixty-nine units would have private exterior open space; however due to site constraints, the applicant is proposing that not all units have the same proportion of exterior space.

The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested private, exterior open space deviations.

Architectural Projections

The San Diego Municipal Code requires that, in the RM-2-5 zone, various architectural encroachments are permitted, as long as a minimum of three feet be provided between the encroachment and the property line. The applicant is requesting that roof overhangs and cantilevered balconies be allowed to encroach up to four feet beyond the property line and into the public right-of-way. Urban development in downtown San Diego commonly extends balconies and roof overhangs across the Property Line, as long as they are 8 feet or more above the sidewalk. The applicant proposes the encroachment, beginning at the second and continuing above. Due to site constraints and in an effort to provide resident defensible space through eyes on the street, private patios and balconies have been designed to project from the face of the building and break up the façade.

Coupled with the zero foot setbacks on University Avenue, the requested deviation would be beneficial to the community by: creating a more urban feel to the street; incorporating defensible space design elements and therefore greater security; adding depth to the façade with shade and shadow elements of the roof overhangs; ensuring the development of 68 affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested architectural projections deviations.

Architectural Features

The San Diego Municipal Code (Central Urbanized Planned District Ordinance) requires all residential buildings to include at least five architectural features from a list of features in the Central Urbanized Planned District Ordinance (SDMC section 151.0232). The applicant is

proposing to clearly meet four of the five required features, and to meet the purpose and intent of one or more of other listed features.

For example, instead of pitched roofs with large overhangs, the applicant is proposing to use varying parapet and flat eyebrow roof overhangs with simple details in an effort to minimize visual competition with the highly detailed and intricate Buddhist temple and monastery nearby.

The applicant will also use roof-top light and air monitors on all town-home units in buildings A and B instead of providing a chimney for every three dwelling units. Not only will the light and air monitors provide the rooftop variation in height that meets the intent of this part of the code, they will also provide natural light to the town-house unit hallway and stairs. An operable north-facing window at the top of these monitors will help circulate warm air up from the lower level of the unit and out to reduce the need for artificial cooling.

The applicant has designed tall windows with head heights at 8'-0", well above the normal 6'-8" in typical residential construction to meet the intent of having at least one clerestory window for each 50 feet of street elevation and having one transom window. By moving the head height up and adjusting the proportion of the glass, a more interesting and unexpected street façade is created while allowing more natural light and air into living spaces.

Although the applicant initially designed units at level one with front porch entries off the sidewalk along University Avenue, a public right-of-way increase was discovered mid-way thru the review process and entry patio spaces on University Ave were redesigned without stairs from the sidewalk. However these patios, although not directly accessible from the street, are still looking out over the sidewalk and will provide added security with eyes on the street and allow interaction between resident and public space users. Therefore, staff supports the requested architectural features deviations.

Corner Visibility Area

The San Diego Municipal Code requires the visibility area at intersection of streets to be 25 feet along each of the streets. Given the site constraints and need for zero-foot setbacks along University Ave and 52nd Street and the need to maximize the buildable footprint, the applicant is proposing to provide a 15-foot triangle at the corner of University Avenue and 52nd Street. The project's building mass has been designed to allow more visibility at the corner by stepping back the structure at the corner. A line of sight study for this intersection, in accordance with the CALTRANS Intersectional Site Distance Guidelines was completed, which resulted in adequate visibility being proposed. Therefore, staff supports the requested visibility area deviation.

Each of the deviations requested is needed to ensure the number of affordable units and the feasibility of the project. Additionally, the applicant has cited that meeting the San Diego Municipal Code requirements governing height, setbacks, storage, private exterior open space, architectural projections, and corner visibility, would render the project financially infeasible due to the increase costs associated with a reduction in the square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Other than deviations and justification for support described above, the proposed development would comply with the applicable regulations of the San Diego Municipal Code.

Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

2. Supplemental Findings – Environmentally Sensitive Lands SDMC section 126.0504(b)

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. As discussed in Pacific Southwest Biological Services' [PSBS] report dated March 14, 2005, no sensitive animal species or sensitive plant species were observed or detected on the 1.95 acre project site, and none are expected to occur.

Two nominally sensitive vegetation types occur on the property: Southern Mixed Chaparral and Southern Willow Scrub. These two communities are extremely isolated and small in area (approximately .05 acre of Southern Mixed Chaparral, and approximately .1 acre of Southern Willow Scrub) and are very heavily infested with non-native plant species. These areas will not be disturbed at any time. The rest of the project site is either disturbed or developed and will incorporate all of the project's residential structures.

The proposed project would enhance and restore a portion of the Auburn Park Branch of Chollas Creek. The creek surfaces for approximately 250 linear feet within the project site and then goes underground again at the southwest portion of the site under existing housing units through another storm drainage system. The proposed project would raise the grade on the 8,650 square-foot privately maintained open space area to increase the usable open space area with native plantings on the new manufactured slopes adjacent to the creek and in the stream restoration area. Interpretive signage would be installed to explain the history and ecology of the site and the creek. Wood-framed, black-vinyl coated fencing would be installed near the top of the slope providing a 20- to 65-foot-wide buffer from the creek edge exceeding the 20-foot-wide requirement of the Chollas Creek Enhancement Plan.

Mitigated Negative Declaration No. 43239 was prepared, and finalized for the project on April 20, 2005 in accordance with CEQA Guidelines. A MMRP would 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: Archaeology, Paleontology, and Waste Management.

Proposed site grading has the potential to change drainage patterns and surface run-off. However, mitigation measures, including temporary and permanent BMPs to protect on and off site drainages would be incorporated into the project design.

The proposed development was designed to have quality housing, affordable rents, and an approximately 16,300 square-foot of open space area, with the least amount of disturbance to the environment. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood

hazards, or fire hazards. A “Grading Plan Review and Response to City of San Diego (LDR Geology) Review of Preliminary Geotechnical Investigation Report” (January 21, 2005) and the “Preliminary Geotechnical Investigation, Proposed Multi-Unit Residential Development, Southwest Corner of University Avenue and 52nd Street” (May 19, 2004) were prepared for this project by Vinje & Middleton Engineering, Inc. According to the reports, three significant slope areas occur on the property. The highest slopes are steep embankments above an active creek that flows southward through the property.

Significant erosion of the slopes has recently taken place as a result of uncontrolled run-off from the developed properties to the south. These slopes would not be developed as part of this project; and their performance would not affect the proposed project. Graded fill slopes occur on the north perimeter of the project, and 1 ½:1 gradient cut slopes expose formational rocks in the southeast portion of the site.

As part of the project these slopes would be eliminated or reduced in height by filling or the use of retaining walls. The planned walls at the base of the 1 ½:1 cut slopes would further enhance stability and the 2-course high free-board (masonry block wall) with a chain-link fence and concrete lined drainage ditch behind the wall would preclude the impacts of potential shallow slope face erosion. Therefore, slope instability is not expected to be a major geotechnical factor, which could impact the proposed site development.

The project site is also not located within a designated earthquake fault zone, is located within the Hazard Category 53 (favorable structure, low risk), and is not expected to be affected by groundwater. The project retaining walls would be provided with back-drain systems. According to the reports, which were reviewed and accepted by City geology staff, the project grading plans represent a feasible design from the geotechnical viewpoint. Since no geologic impacts were identified no mitigation would be required.

The applicant would provide structural plans and calculations to the City that demonstrate that the proposed structures and foundation improvements on the site have been designed in accordance with requirements of the Uniform Fire Code, the Uniform Building Code, and the City Geologist. Grading would occur outside of the lands identified as environmentally sensitive. Therefore, the proposed development will minimize alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project site contains environmentally sensitive lands in the form of steep hillsides, approximately 0.1 acre of wetlands/Southern Willow Scrub, approximately 0.05 acre of Southern Mixed Chaparral, and 0.9 acre of Disturbed Habitat. A report was prepared by Pacific Southwest Biological Services (dated March 14, 2005), which indicated that no mitigation would be necessary to compensate for the loss of the Urban Developed and Disturbed Habitats, as this area would not be disturbed as a result of the proposed project. The environmentally sensitive lands on site been avoided through the site planning process.

Environmentally sensitive lands near the proposed project site include the Auburn Branch of Chollas Creek. A portion of this drainage approximately one mile downstream from the

project site has been included within the Multiple Habitat Planning Area. However, since no development is proposed within the part of the drainage located on site, and the applicant has proposed enhancement of the drainage by removal of non-native plants and the planting of natives, no adverse impact to the Auburn Branch would be anticipated.

The proposed project would enhance and restore a portion of the Auburn Park Branch of Chollas Creek. The creek surfaces for approximately 250 linear feet within the project site and then goes underground again at the southwest portion of the site under existing housing units through another storm drainage system. The proposed project would raise the grade on the 8,650 square-foot privately maintained open space area to increase the usable open space area with native plantings on the new manufactured slopes adjacent to the creek and in the stream restoration area. Interpretive signage would be installed to explain the history and ecology of the site and the creek. Wood-framed, black-vinyl coated fencing would be installed near the top of the slope providing a 20- to 65-foot-wide buffer from the creek edge exceeding the 20-foot-wide requirement of the Chollas Creek Enhancement Plan.

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The project site is within the City of San Diego's MSCP Plan but is not identified as a Multiple Habitat Planning Area [MHPA]. Vegetation cover on the site includes 0.1 acre of Southern Willow Scrub [SWS] along the ephemeral drainage and 0.05 acre of Southern Mixed Chaparral [SMC] located in southern areas of the project site, east of Auburn Branch. The project would not impact the SMC as designed, and no direct, negative impacts to the SWC habitat are anticipated from the project as designed.

The project would impact 1.13 acres of Urban/Developed and 0.9 acre of Disturbed Habitat; these losses are not considered significant under the California Environmental Quality Act because of the lack of biological resources within the artificial habitats. The proposed planting of native vegetation would enhance the approximately 8,650 square-foot privately maintained open space area, which would be accessible to the public.

The proposed development site is located within the area addressed by the City of San Diego MSCP Subarea Plan (Urban Habitat Lands), but is located more than a half mile from the nearest habitat preserve (Chollas Creek) and more than one mile upstream from the nearest preserve within a connecting drainage (Auburn Branch). Major issues in the Urban Habitat Lands, as listed in the Subarea Plan, include 1) the potential for intense land uses and activities adjacent to the habitat; 2) potential dumping, litter and vandalism; 3) itinerant living quarters [in the preserve]; 4) utility facility and road repair, construction and maintenance activities; 5) exotic (non-native) and invasive plants and animals; and 6) urban runoff and water quality. Because of the distance from the project site to the nearest urban preserve, issues 1) through 4) are not applicable to the proposed project. As discussed under Item 3 above, the applicant proposes to remove exotic plants from the drainage area within the site and maintain this portion of the creek. Finally, BMPs for water quality would be implemented in compliance with the City's water quality requirements. Therefore, the proposed development would not result in impacts

associated with the issues listed in the City of San Diego's MSCP Subarea Plan, and is consistent with that Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project site does not contain and is not located adjacent to any public beach, and is not located near the Pacific Ocean. Therefore, the proposed project will not impact the local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Mitigation measures required as a condition of the permit are detailed in the MMRP letter, dated March 16, 2005, and have been defined for the following resources areas: Archaeology, Paleontology, and Waste Management. Pursuant to the CEQA, the mitigation has been defined commensurate with the level of impact to reduce potential impacts to the identified resources to below a level of significance.

The applicant agrees that the mitigation measures listed are not excessive, and are reasonably designed to mitigate impacts anticipated as a result of the proposed project. The original MMRP letter was signed by the applicant and returned to the Environmental Analysis Section.

3. Supplemental Findings – Deviations for Affordable/In-Fill Housing Projects, SDMC section 126.0504(m)

a. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City. The development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public.

Planning Systems completed a General/Community Plan Amendment Potential Impact Analysis on December 9, 2004 for the Auburn Park Project. It showed that between 2000 and 2004, the City Heights Community has generated a need of 292 affordable housing units which does not take into consideration the need in City Heights prior to the year 2000 or the hundreds of existing low and very low affordable housing units in City Heights that are currently being demolished to make way for schools. The proposed development would sixty-eight affordable rental housing units for a period of no less than fifty-five years. The mix of studio-, 1-, 2- and 3-bedroom units would house individuals, small and large families earning extremely low, very low, and low income. Therefore, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

b. The development will not be inconsistent with the purpose of the underlying zone. The development would consist of sixty-eight affordable and one manager

occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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.

The project proposes to deviate from the SDMC requirements for height, setbacks, storage requirements, private exterior open space, architectural projections, architectural features, and visibility areas. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the City Council can make the appropriate findings based on the following information.

Height

The Maximum height allowed in the proposed RM-2-5 zone is 40 feet. The project is designed with a maximum building height of 52 feet. The applicant is requesting the deviation due to the challenging onsite topography, with grades ranging from approximately 284 feet to 330 feet. Of the four buildings proposed, only Building C would exceed the 40 foot height limit. The applicant is requesting the deviation to maximize development on the project site while minimizing the impact to the Chollas Creek and proposed onsite open space. The requested deviation would be beneficial to the community by: allowing for more intense development on a smaller portion of the site, which would help provide the open space, the required buffer, and revitalized areas of Chollas Creek; allowing for a strong urban design edge at an active intersection in the community; ensuring the development of 68 affordable rental housing units; and assisting in the overall feasibility of the project on a constrained site. Therefore, staff supports the requested height deviations.

Setbacks

The project is designed with deviations to the required setbacks along University Avenue, 52nd Street, and the side yard setback, on the south side of the project. The San Diego Municipal Code requires the following:

1. A front setback (52nd Street) of 20 feet (applicant requesting a 0 foot setback);
2. A street side setback (University Avenue) of 13 feet (applicant requesting a 0 foot setback);
3. A side setback (south side of project) of 13 feet (applicant requesting a 5 foot setback); and
4. A rear setback of 15 ft. (applicant requesting a 0 foot setback at Cul-de-sac only. Otherwise the project would meet the side setback requirement).

The project proposes the setback deviations to maximize the site's available and usable land. The project site is constrained by extreme topographic changes (grades range from approximately 280 feet to 330 feet) which limit the build-able area of the site; a required buffer from, and proposed revitalization of, the Auburn Branch of the Chollas Creek; and the proposal for approximately 16,300 square feet of usable open space.

The requested setback deviations would be beneficial to the community by: allowing for location of the building mass toward University Avenue and 52nd Street, which would help provide the open space, the required buffer, and revitalized areas of Chollas Creek; allowing for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building; allow for the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing. Therefore, staff supports the requested setback deviations.

Storage Requirements

The San Diego Municipal Code requires that each dwelling unit in all RM zones shall have a fully enclosed personal storage area outside of the unit that is at least 240 CF, with a minimum of seven-foot horizontal dimension in one plane. The applicant is proposing that 62 percent of the units have 60 CF to 128 CF of storage while the remaining 38 percent of the units have 48 to 50 CF of storage; and that the seven-foot horizontal dimension not be met. As designed, each unit has either an interior (half of the units) or exterior storage area (half of the units), and that the distribution of storage sizes is provided given the size of the unit.

As proposed, the three-bedroom units would have 104 to 128 CF of storage while the studios, one- and two-bedroom units would have 48 to 104 CF of storage. The applicant is requesting the deviation due to the limited buildable area of the site area. The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested storage area deviations.

Private, Exterior Open Space

The San Diego Municipal Code requires that, in the RM-2-5 Zone, at least 75 percent of the dwelling units shall be provided with have at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet. The applicant is proposing that only 62 percent of units have the required 60 square feet, and the remaining 38 percent of units would have 40 -50 square feet. All of the proposed sixty-nine units would have private exterior open space; however due to site constraints, the applicant is proposing that not all units have the same proportion of exterior space.

The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested private, exterior open space deviations.

Architectural Projections

The San Diego Municipal Code requires that, in the RM-2-5 zone, various architectural encroachments are permitted, as long as a minimum of three feet be provided between the encroachment and the property line. The applicant is requesting that roof overhangs and cantilevered balconies be allowed to encroach up to four feet beyond the property line and into the public right-of-way. Urban development in downtown San Diego commonly extends balconies and roof overhangs across the Property Line, as long as they are 8 feet or more above the sidewalk. The applicant proposes the encroachment, beginning at the second and continuing above. Due to site constraints and in an effort to provide resident defensible space through eyes on the street, private patios and balconies have been designed to project from the face of the building and break up the façade.

Coupled with the zero foot setbacks on University Avenue, the requested deviation would be beneficial to the community by: creating a more urban feel to the street; incorporating defensible space design elements and therefore greater security; adding depth to the façade with shade and shadow elements of the roof overhangs; ensuring the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested architectural projections deviations.

Architectural Features

The San Diego Municipal Code (Central Urbanized Planned District Ordinance) requires all residential buildings to include at least five architectural features from a list of features in the Central Urbanized Planned District Ordinance (SDMC section 151.0232). The applicant is proposing to clearly meet four of the five required features, and to meet the purpose and intent of one or more of other listed features.

For example, instead of pitched roofs with large overhangs, the applicant is proposing to use varying parapet and flat eyebrow roof overhangs with simple details in an effort to minimize visual competition with the highly detailed and intricate Buddhist temple and monastery nearby.

The applicant will also use roof-top light and air monitors on all town-home units in buildings A and B instead of providing a chimney for every three dwelling units. Not only will the light and air monitors provide the rooftop variation in height that meets the intent of this part of the code, they will also provide natural light to the town-house unit hallway and stairs. An operable north-facing window at the top of these monitors will help circulate warm air up from the lower level of the unit and out to reduce the need for artificial cooling.

The applicant has designed tall windows with head heights at 8'-0", well above the normal 6'-8" in typical residential construction to meet the intent of having at least one clerestory window for each 50 feet of street elevation and having one transom window. By moving the head height up and adjusting the proportion of the glass, a more interesting and unexpected street façade is created while allowing more natural light and air into living spaces.

Although the applicant initially designed units at level one with front porch entries off the sidewalk along University Avenue, a public right-of-way increase was discovered mid-way thru

the review process and entry patio spaces on University Ave were redesigned without stairs from the sidewalk. However these patios, although not directly accessible from the street, are still looking out over the sidewalk and will provide added security with eyes on the street and allow interaction between resident and public space users. Therefore, staff supports the requested architectural features deviations.

Corner Visibility Area

The San Diego Municipal Code requires the visibility area at intersection of streets to be 25 feet along each of the streets. Given the site constraints and need for zero-foot setbacks along University Ave and 52nd Street and the need to maximize the buildable footprint, the applicant is proposing to provide a 15-foot triangle at the corner of University Avenue and 52nd Street. The project's building mass has been designed to allow more visibility at the corner by stepping back the structure at the corner. A line of sight study for this intersection, in accordance with the CALTRANS Intersectional Site Distance Guidelines was completed, which resulted in adequate visibility being proposed. Therefore, staff supports the requested visibility area deviation.

Each of the deviations requested is needed to ensure the number of affordable units and the feasibility of the project. Additionally, the applicant has cited that meeting the SDMC requirements governing height, setbacks, storage, private exterior open space, architectural projections, and corner visibility, would render the project financially infeasible due to the increase costs associated with a reduction in the square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Other than deviations and justification for support described above, the proposed development would comply with the applicable regulations of the SDMC. Therefore, the development will not be inconsistent with the purpose of the underlying zone.

c. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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.

The project proposes to deviate from the SDMC requirements for height, setbacks, storage requirements, private exterior open space, architectural projections, architectural features, and visibility areas. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the City Council can make the appropriate findings based on the information provided in Supplemental Site Development Permit Findings Number b above.

The proposed RM-2-5 zones allows for the development of one unit per every 1,500 square feet of land area. With a project site of approximately 1.95 acres (85,060 square feet), the project site would allow for the development of fifty-seven dwelling 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 (eleven units) in the development shall be affordable to low-income households (households with income at or below 80 percent of area median income as adjusted for household size) at rents not to exceed 30 percent of 60 percent of area median income as adjusted for assumed household size. In order to meet the requirements of the City's Inclusionary Housing Ordinance, the applicant is required to provide six affordable units to households at or below 65 percent of the Area Median Income for a period of fifty-five years.

The applicant has elected to far exceed the 20 percent requirement of the Density Bonus Regulations and the 10 percent requirement of the Inclusionary Housing Ordinance by renting 99 percent of the units (sixty-eight affordable units, 1 3-bedroom unit is a Manager's unit) to low-income households (household income exceeding 60 percent of Area Median Income [AMI] and rents not exceeding 30 percent 60 percent of AMI). The sixty-eight affordable units would be comprised of ten studio units, twenty-six 1-bedroom units, twelve 2-bedroom units, and twenty 3-bedroom units. Rents for all sixty-eight units would be affordable for a period of at least fifty-five years.

The 35 percent density bonus would permit the development of twenty additional units beyond the underlying zoning of fifty-seven units, for a total of seventy-seven units, as shown below; however, the applicant is only requesting a density bonus of 22 percent of the units allowed by the RM-2-5 zone, as shown below.

Total Units Allowed = $57 \times 35\% = 77$ Units

Proposed Units = $57 \times 22\% = 69$ Units

Each of the deviations requested is needed to ensure the number of affordable units and the feasibility of the project. Additionally, the applicant has cited that meeting the SDMC requirements governing height, setbacks, storage, private exterior open space, architectural projections, and corner visibility, would render the project financially infeasible due to the increase costs associated with a reduction in the square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Municipal Code. Therefore, any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

B. PLANNED DEVELOPMENT PERMIT - SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The 1.95-acre project site is located in the City Heights area of the Mid-City Communities Plan. The Mid-City Communities Plan designates the site for industrial development including light industrial and commercial uses. A General/Community Plan Amendment is proposed to redesignate the project site to Residential (21 to 25 dwelling units per acre) which would accommodate 40 to 49 dwelling units on the project site. Together with a requested density bonus for affordable housing, this designation would accommodate the sixty-nine residential dwelling units proposed.

The proposed project would not adversely affect the Mid-City Communities Plan in that it would implement several policies and recommendations of the plan. The project would implement the recommendations of the Land Use Element of the community plan by creating more opportunities for residential housing and encouraging housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. The project would also implement recommendations within the Natural and Cultural Resources Element of the community plan for improving and enhancing riparian habitat in Chollas Creek. The project would be removing trash, debris, and non-native plant species from the creek as well as revegetating the creek with native plant species within a 20 to 65 foot landscape buffer as called for in the Chollas Creek Enhancement Program. The project would also provide access to a 0.70-acre pocket park from University Avenue and would meet the recommendation in the Urban Design Element for encouraging acquisition of vacant or under-used land for park or recreation development along the street. Furthermore, the project would implement recommendations in the Transportation Element of the community plan for improving pedestrian orientation along University Avenue through the provision of a 9-foot sidewalk, the incorporation of street trees, and by providing direct access to the proposed park and residential units from University Avenue. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The subject 1.95-acre property is located on the south side of University Avenue and the west side of 52nd Street, within the Central Urbanized Planned District, the City Heights Redevelopment Project Area, and the City Heights Community of the Mid-City Communities Plan area. The site is also located within the Central Urbanized Planned District, is zoned CC-5-4 (Commercial Community), and is mostly vacant, other than the existence of a two-story residential duplex. The project is not located within the City of San Diego's Multi-Habitat Planning area.

The development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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. 43239 was prepared, and finalized for the project on April 20, 2005 in accordance with the 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: Archaeology, Paleontology, and Waste Management.

A "Phase 1 Environmental Site Assessment, City Heights Residential Development, 5085-5113 University Avenue" (March 30, 2004) was prepared for this project by P & D Environmental. According to the report, the project site consists of seven separate parcels of which only two had been previously developed. The duplex at 5085 University Avenue was constructed in approximately 1930 on one parcel and has undergone some alterations. One other parcel, 5109-5113 University Avenue was developed with a light industrial building in approximately 1951; and the building was demolished in 1986.

P & D Environmental conducted a search of environmental records, and an on-site investigation. According to the research and investigation, no evidence of hazardous materials other than the potential asbestos and lead-base paint contamination of the existing duplex was found either on the site or from adjacent sites. Therefore, the report recommended that a comprehensive survey for asbestos-containing material and the abatement of any damaged lead-based surfaces be conducted prior to the disposal of the substrate material and the development of the site. The appropriate disposal of these materials falls under the jurisdiction of the San Diego County Department of Environmental Health which would ensure compliance with state laws. Therefore, no mitigation would be required.

The San Diego Police Department (Crime Prevention through Environmental Design Unit) reviewed preliminary plans and made recommendations on security features for the proposed project. The project incorporated the recommendations and would be designed in accordance with the Crime Prevention through Environmental Design guidelines.

Drainage from the site would be directed into the existing storm drain system. The applicant would be required to utilize BMPs during construction which could include the installation of jute matting, silting basins or other silt control measures. 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 development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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.

The project proposes to deviate from the SDMC requirements for height, setbacks, storage requirements, private exterior open space, architectural projections, architectural features, and visibility areas. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the City Council can make the appropriate findings based on the following information.

Height

The Maximum height allowed in the proposed RM-2-5 zone is 40 feet. The project is designed with a maximum building height of 52 feet. The applicant is requesting the deviation due to the challenging onsite topography, with grades ranging from approximately 284 feet to 330 feet. Of the four buildings proposed, only Building C would exceed the 40 foot height limit. The applicant is requesting the deviation to maximize development on the project site while minimizing the impact to the Chollas Creek and proposed onsite open space. The requested deviation would be beneficial to the community by: allowing for more intense development on a smaller portion of the site, which would help provide the open space, the required buffer, and revitalized areas of Chollas Creek; allowing for a strong urban design edge at an active intersection in the community; ensuring the development of 68 affordable rental housing units; and assisting in the overall feasibility of the project on a constrained site. Therefore, staff supports the requested height deviations.

Setbacks

The project is designed with deviations to the required setbacks along University Avenue, 52nd Street, and the side yard setback, on the south side of the project. The SDMC requires the following:

1. A front setback (52nd Street) of 20 feet (applicant requesting a 0 foot setback);
2. A street side setback (University Avenue) of 13 feet (applicant requesting a 0 foot setback);
3. A side setback (south side of project) of 13 feet (applicant requesting a 5 foot setback); and
4. A rear setback of 15 ft. (applicant requesting a 0 foot setback at Cul-de-sac only. Otherwise the project would meet the side setback requirement).

The project proposes the setback deviations to maximize the site's available and usable land. The project site is constrained by extreme topographic changes (grades range from approximately 280 feet to 330 feet) which limit the build-able area of the site; a required buffer from, and proposed revitalization of, the Auburn Branch of the Chollas Creek; and the proposal for approximately 16,300 square feet of usable open space.

The requested setback deviations would be beneficial to the community by: allowing for location of the building mass toward University Avenue and 52nd Street, which would help provide the open space, the required buffer, and revitalized areas of Chollas Creek; allowing for

a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building; allow for the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing. Therefore, staff supports the requested setback deviations.

Storage Requirements

The San Diego Municipal Code requires that each dwelling unit in all RM zones shall have a fully enclosed personal storage area outside of the unit that is at least 240 CF, with a minimum of seven-foot horizontal dimension in one plane. The applicant is proposing that 62% of the units have 60 CF to 128 CF of storage while the remaining 38 percent of the units have 48 to 50 CF of storage; and that the seven-foot horizontal dimension not be met. As designed, each unit has either an interior (half of the units) or exterior storage area (half of the units), and that the distribution of storage sizes is provided given the size of the unit.

As proposed, the 3-bedroom units would have 104 to 128 CF of storage while the studios, 1- and 2-bedroom units would have 48 to 104 CF of storage. The applicant is requesting the deviation due to the limited buildable area of the site area. The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested storage area deviations.

Private, Exterior Open Space

The San Diego Municipal Code requires that, in the RM-2-5 zone, at least 75 percent of the dwelling units shall be provided with have at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet. The applicant is proposing that only 62 percent of units have the required 60 square feet, and the remaining 38 percent of units would have 40 -50 square feet. All of the proposed sixty-nine units would have private exterior open space; however due to site constraints, the applicant is proposing that not all units have the same proportion of exterior space.

The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-eight affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested private, exterior open space deviations.

Architectural Projections

The San Diego Municipal Code requires that, in the RM-2-5 zone, various architectural encroachments are permitted, as long as a minimum of three feet be provided between the encroachment and the property line. The applicant is requesting that roof overhangs and cantilevered balconies be allowed to encroach up to four feet beyond the property line and into the public right-of-way. Urban development in downtown San Diego commonly extends balconies and roof overhangs across the Property Line, as long as they are 8 feet or more above the sidewalk. The applicant proposes the encroachment, beginning at the second and continuing

above. Due to site constraints and in an effort to provide resident defensible space through eyes on the street, private patios and balconies have been designed to project from the face of the building and break up the façade.

Coupled with the zero foot setbacks on University Avenue, the requested deviation would be beneficial to the community by: creating a more urban feel to the street; incorporating defensible space design elements and therefore greater security; adding depth to the façade with shade and shadow elements of the roof overhangs; ensuring the development of 68 affordable rental housing units when the City is experiencing an extreme shortage of both for sale and for rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested architectural projections deviations.

Architectural Features

The San Diego Municipal Code (Central Urbanized Planned District Ordinance) requires all residential buildings to include at least five architectural features from a list of features in the Central Urbanized Planned District Ordinance (SDMC section 151.0232). The applicant is proposing to clearly meet four of the five required features, and to meet the purpose and intent of one or more of other listed features.

For example, instead of pitched roofs with large overhangs, the applicant is proposing to use varying parapet and flat eyebrow roof overhangs with simple details in an effort to minimize visual competition with the highly detailed and intricate Buddhist temple and monastery nearby.

The applicant will also use roof-top light and air monitors on all town-home units in buildings A and B instead of providing a chimney for every three dwelling units. Not only will the light and air monitors provide the rooftop variation in height that meets the intent of this part of the code, they will also provide natural light to the town-house unit hallway and stairs. An operable north-facing window at the top of these monitors will help circulate warm air up from the lower level of the unit and out to reduce the need for artificial cooling.

The applicant has designed tall windows with head heights at 8'-0", well above the normal 6'-8" in typical residential construction to meet the intent of having at least one clerestory window for each 50 feet of street elevation and having one transom window. By moving the head height up and adjusting the proportion of the glass, a more interesting and unexpected street façade is created while allowing more natural light and air into living spaces.

Although the applicant initially designed units at level one with front porch entries off the sidewalk along University Avenue, a public right-of-way increase was discovered mid-way thru the review process and entry patio spaces on University Ave were redesigned without stairs from the sidewalk. However these patios, although not directly accessible from the street, are still looking out over the sidewalk and will provide added security with eyes on the street and allow interaction between resident and public space users. Therefore, staff supports the requested architectural features deviations.

Corner Visibility Area

The San Diego Municipal Code requires the visibility area at intersection of streets to be 25 feet along each of the streets. Given the site constraints and need for zero-foot setbacks along University Ave and 52nd Street and the need to maximize the buildable footprint, the applicant is proposing to provide a 15-foot triangle at the corner of University Avenue and 52nd Street. The project's building mass has been designed to allow more visibility at the corner by stepping back the structure at the corner. A line of sight study for this intersection, in accordance with the CALTRANS Intersectional Site Distance Guidelines was completed, which resulted in adequate visibility being proposed. Therefore, staff supports the requested visibility area deviation.

Each of the deviations requested is needed to ensure the number of affordable units and the feasibility of the project. Additionally, the applicant has cited that meeting the SDMC requirements governing height, setbacks, storage, private exterior open space, architectural projections, and corner visibility, would render the project financially infeasible due to the increase costs associated with a reduction in the square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Other than deviations and justification for support described above, the proposed development would comply with the applicable regulations of the SDMC. Therefore, the proposed development will comply 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 development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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.

The interior courtyards would contain children's play areas including a tot lot area with a rubberized surface and benches while another courtyard area would be more adult-oriented with seating areas and landscaping. The courtyard landscaping would consist of palms, trees, shrubs and groundcovers within planters. All resident parking areas would be secure, and tubular steel or wrought iron fencing would be provided along the southern and western steep slope areas.

In addition to the common open space area between the buildings, the project proposes to include an approximately 8,650 square-foot privately owned and maintained open space area. The proposed open space area would be accessible from both the University Avenue sidewalk as well as old University Avenue frontage road right-of-way, from the proposed turn-a-round (cul-de-sac). The privately owned and maintained open space would be accessible to the public and would include an enhanced paving plaza, benches, picnic tables, a barbeque pit, a turf area for

active recreational use, overhead structure/gazebo and interpretive signs that educate the community about the history and ecology of Chollas Creek.

The design of the privately owned and maintained open space area includes Americans with Disabilities Act [ADA] access from the upper plaza at University Avenue elevation to the lower park area at the cul-de-sac elevation. The design includes one ADA van parking space to allow ADA access to the park from the lower elevation. Grading at the cul-de-sac has been designed to provide a maximum 2 percent slope on the sidewalk in front of the park entrance and the proposed parking space.

Planning Systems completed a General/Community Plan Amendment Potential Impact Analysis on December 9, 2004 for the Auburn Park Project. It showed that between 2000 and 2004, the City Heights Community has generated a need of 292 affordable housing units which does not take into consideration the need in City Heights prior to the year 2000 or the hundreds of existing low and very low affordable housing units in City Heights that are currently being demolished to make way for schools.

The project is exceeding the requirements of the City's Inclusionary Housing Ordinance by setting aside 99 percent of the proposed for-rent units (sixty-eight affordable units, one 3-bedroom unit is a Manager's unit) to low-income households earning no more than 60 percent of AMI, and rents not exceeding 30 percent of 60 percent of AMI). The sixty-eight affordable units would be comprised of ten studio units, twenty-six 1-bedroom units, twelve 2-bedroom units, and twenty 3-bedroom units. Rents for all sixty-eight units would be affordable for a period of at least fifty-five years. Therefore, the proposed development, when considered as a whole, will be beneficial to the community.

5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project rather than would be achieved if designed in strict conformance to with the development regulation of the applicable zone. The development would consist of sixty-eight affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. 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.

The project proposes to deviate from the SDMC requirements for height, setbacks, storage requirements, private exterior open space, architectural projections, architectural features, and visibility areas. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the City Council can make the appropriate findings based on the information provided in Supplemental Site Development Permit Findings Number b above.

The proposed RM-2-5 zone allows for the development of one unit per every 1,500 square feet of land area. With a project site of approximately 1.95 acres (85,060 square feet), the project site would allow for the development of fifty-seven dwelling 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 (eleven units) in the development shall be affordable to low-income households (households with income at or below 80 percent of area median income as adjusted for household size) at rents not to exceed 30 percent of 60 percent of area median income as adjusted for assumed household size. In order to meet the requirements of the City's Inclusionary Housing Ordinance, the applicant is required to provide six affordable units to households at or below 65 percent of the Area Median Income for a period of fifty-five years.

The applicant has elected to far exceed the 20 percent requirement of the Density Bonus Regulations and the 10 percent requirement of the Inclusionary Housing Ordinance by renting 99 percent of the units (sixty-eight affordable units, one 3-bedroom unit is a Manager's unit) to low-income households (household income exceeding 60 percent of AMI and rents not exceeding 30 percent 60 percent of AMI). The sixty-eight affordable units would be comprised of ten studio units, twenty-six 1-bedroom units, twelve 2-bedroom units, and twenty 3-bedroom units. Rents for all 68 units would be affordable for a period of at least fifty-five years.

The 35 percent density bonus would permit the development of twenty additional units beyond the underlying zoning of fifty-seven units, for a total of seventy-seven units, as shown below; however, the applicant is only requesting a density bonus of 22 percent of the units allowed by the RM-2-5 zone, as shown below.

Total Units Allowed = $57 \times 35\% = 77$ Units

Proposed Units = $57 \times 22\% = 69$ Units

Each of the deviations requested is needed to ensure the number of affordable units and the feasibility of the project. Additionally, the applicant has cited that meeting the SDMC requirements governing height, setbacks, storage, private exterior open space, architectural projections, and corner visibility, would render the project financially infeasible due to the increase costs associated with a reduction in the square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Therefore, the proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project rather than would be achieved if designed in strict conformance to with the development regulation of the applicable zone.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 125168/Planned Development Permit No. 215840 is granted to the City of San Diego Redevelopment Agency, a Municipal Corporation; and Auburn Park Family Housing, a Limited Liability Company, Owners/Auburn Park Family Housing, a Limited Liability Company, 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

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09/01/05 Cor. Copy
10/20/05 Cor. Copy2
Or. Dept: Clerks
R-2005-1394

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3062

SITE DEVELOPMENT PERMIT NO. 125168
PLANNED DEVELOPMENT PERMIT NO. 215840
AUBURN PARK [MMRP]

CITY COUNCIL

This site development permit/planned development permit is granted by the Council of the City of San Diego to the City of San Diego Redevelopment Agency, a Municipal Corporation; and Auburn Family Housing, a Limited Liability Company, Owners/Auburn Park Family Housing, a Limited Liability Company, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 1.95-acre site is located at the southwest corner of University Avenue and 52nd Street (Assessor's Parcel Numbers 472-481-01, 472-481-02, 472-481-03, 472-481-09, 472-481-20, 472-481-21, and 471-622-15) in the CC-5-4 zone (proposed to be rezoned to the RM-2-5 zone), within the Central Urbanized Planned District and the City Heights Community of the Mid-City Communities Plan. The project site is legally described as a Portion of Lots 1, 6, & 7 and All of Lots 2, 3, & 8 of Oak Park Annex according to Map thereof No. 1764 and Lot 17 of Oak Park according to Map thereof No. 1732 in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittee to the existing structures and to construct sixty-eight affordable (for rent) multi-family residential units and one manager occupied for-rent unit, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 21, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. a 1-story, 543 square-foot community building, two 3-story residential buildings and one 4-story residential building housing sixty-eight affordable, for-rent multi-family residential units and one manager occupied for-rent unit (58,447 square-feet), and 16,330 total square-feet of usable open space in courtyards (3,930 square-feet), private exterior open

space 3,700 square-feet), and a privately owned and maintained open space area accessible to the public (8,650 square-feet);

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. 103 standard and five disabled off-street parking spaces;
- d. A tot lot, passive recreation facilities, and a computer lab; 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The Owners/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.

9. 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.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owners/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 Owners/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(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.

11. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. As conditions of Site Development Permit No. 125168/Planned Development Permit No. 215840 and Vesting Tentative Map No. 187264, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, No. 43239 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owners/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration, No. 43239 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Archaeology
- Paleontology
- Waste Management

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

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.

AFFORDABLE HOUSING REQUIREMENTS:

17. 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 San Diego Municipal Code Chapter 14, Article 3, Division 7.

The applicant has elected to exceed these requirements by renting 99 percent of the units (sixty-eight affordable units, one 3-bedroom unit is a Manager's unit) to low-income

households (household income does not exceed 60 percent of Area Median Income [AMI] and rents do not exceed 30 percent of 60 percent of AMI). The sixty-eight affordable units shall be comprised of ten studio units, twenty-six 1-bedroom units, twelve 2-bedroom units, and twenty 3-bedroom units. Rents for all sixty-eight units shall be affordable for a period of at least fifty-five years.

18. Prior to receiving the first residential building permit, the applicant shall enter into an agreement with the San Diego Housing Commission to assure that the restricted units are built and rented to appropriate households.

ENGINEERING REQUIREMENTS:

19. Prior to the issuance of any construction permit, the Applicant shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMPs] maintenance.

20. 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.

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

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

23. This project proposes to export 4,214 cubic yards of material from the project site. 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.

24. 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.

25. Prior to the issuance of any construction permit the Applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

26. Prior to building occupancy, the applicant shall dedicate, to the satisfaction of the City Engineer, a 25-foot easement along the alignment of the pair of 48-inch storm drains that underlie the project site and discharge into the existing channel.

27. Prior to building occupancy, the applicant shall dedicate, to the satisfaction of the City Engineer, 2.5-foot of right-of-way along the property frontage on 52nd Street.

28. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

29. Prior to building occupancy, all the following required improvements shall be constructed and accepted by the City Engineer:

- (a) A curb ramp at the corner of University Avenue and 52nd Street;
- (b) Contiguous sidewalk along the property frontages on University Avenue and 52nd Street; and
- (c) A 35-foot radius cul-de-sac with a contiguous 5-foot sidewalk, curb and gutter at the eastern terminus of the Old University Avenue right-of-way;

LANDSCAPE REQUIREMENTS:

30. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformance to Exhibit "A," on file in the office of the Development Services.

31. 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.

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

33. 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.

34. 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 and prior to issuance of the Certificate of Occupancy.

35. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulations and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. All planting adjacent to the Auburn Branch of Chollas Creek shall conform to the plant selection list contained in the Chollas Creek Enhancement Program.

36. 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. Integrated Pest Management [IPM] shall be practiced to minimize the need for pesticides, and eliminate contaminants from entering the creek.

37. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owners/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees.

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

39. Prior to the release of the Landscape Maintenance Agreement Bond an establishment period for slopes and revegetation shall be a minimum of twenty-four months.

PLANNING/DESIGN REQUIREMENTS:

40. No fewer than 108 off-street parking spaces, of which five spaces are accessible parking spaces, seven motorcycle spaces, and thirty-three bicycle 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

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

48. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owners/Permittee,

or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

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

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

51. 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.

52. 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.

53. 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."

54. The project's required open space area shall not be reduced in area from that approved on Exhibit "A," and public access to the privately owned open space area designated for public use shall remain accessible to the public for the life of the permit.

TRANSPORTATION REQUIREMENTS:

55. 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 No. R-296141) satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

56. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.

57. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

58. Cut and fill slopes less than 10 feet in height shall not exceed a gradient of 66 percent (1.5:1 horizontal feet to 1 vertical foot).

59. Cut and fill slopes greater than 10 feet in height shall not exceed a gradient of 50 percent (2 horizontal to 1 vertical foot).

60. The geotechnical consultant must provide an opinion that all slopes within the project site will have a factor-of-safety of 1.5 or greater with respect to gross and surficial stability at the completion of grading.

WASTEWATER REQUIREMENTS:

61. Prior to scheduling this project for any public hearing, the developer shall have an accepted sewer study, satisfactory to the Director of the Metropolitan Wastewater Department, for all proposed public sewer facilities (and proposed private sewer facilities serving more than one lot), in accordance with the City of San Diego's current sewer design guide, to determine appropriate sewer facilities needed to serve this development, and shall be consistent with the accepted master plan sewer study.

62. The developer shall install all facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.

63. 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 private or re-designed.

64. 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 tentative map will require modification based on the accepted sewer study.

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

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

67. 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:

68. Prior to the issuance of any building permits, the Owners/Permittee shall assure, by permit and bond, the design and construction of public 12-inch water facilities on University Avenue from the start of the bend, while maintaining five feet southerly from the existing median and continuing westerly on University Avenue, to connect to the existing 12-inch water main near the intersection of 50th Street and University Avenue, in a manner satisfactory to the Director of the Water Department and the City Engineer.

69. Prior to the issuance of any building permits, the Owners/Permittee shall assure, by permit and bond, the abandonment of a portion of the existing water main on University Avenue from the start of the bend to the cul-de-sac, then cut and plug the existing water main in the cul-de-sac, in a manner satisfactory to the Director of the Water Department Director and the City Engineer.

70. Prior to the issuance of any building permits, the Owners/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.

71. Prior to the issuance of any building permits, the Owners/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 Director of the Water Department, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

72. Prior to the issuance of any building permits, the Owners/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshall, the Director of the Water Department and the City Engineer.

73. 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.

74. The Owners/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.

75. Prior to the issuance of any building permits, the Owners/Permittee may have to redesign the project if it can not accommodate the large meter assembly per the City's Regional Standard Drawings SDW-119 and 120, in a manner satisfactory to the Director of the Water Department and the City Engineer.

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 on June 21, 2005 by Resolution No. R-300564.

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.

CITY OF SAN DIEGO
REDEVELOPMENT AGENCY,
a Municipal Corporation
Owner

By _____

AUBURN PARK FAMILY HOUSING,
a Limited Liability Company,
Owner/Permittee

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04