

RESOLUTION NUMBER R- 300945

ADOPTED ON OCTOBER 18, 2005

WHEREAS, the Estate of Willie West Kennerly, Fontelle Quin Kennerly, Paul Selwyn Kennerly; the Estate of Alfred Justin Kennerly, James C. Kennerly; and Esperanza Partners, LLC, Owners/Permittees, filed an application with the City of San Diego for a site development permit, to demolish a single-family residence and associated structures, and consolidate three parcels into one lot, to construct a 29-unit multi-family condominium project (includes three affordable housing units) known as the Esperanza Townhomes, located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street within the Southeastern San Diego Planned District, and the Encanto Neighborhoods of the Southeastern San Diego Community Planning Area, and legally described as Lots 35-37 of Garden Acres according to Map thereof No. 1797, filed in the Office of the County Recorder, July 17, 1924, in the SF-6000 (Single-Family) and MF-3000 (Multi-Family) zones, which are proposed to be rezoned to the MF-1500 zone; and

WHEREAS, on August 25, 2005, the Planning Commission of the City of San Diego considered Site Development Permit No. 181907, and pursuant to Resolution No. 3829-PC, the Planning Commission voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on October 18, 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, the Estate of Willie West Kennerly, Fontelle Quin Kennerly, Paul Selwyn Kennerly; the Estate of

Alfred Justin Kennerly, James C. Kennerly; and Esperanza Partners, LLC, Owners/Permitees, transferred the property to Western Pacific Housing, Inc., thereby making Western Pacific Housing, Inc., the new Owner of the Esperanza Townhomes 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. 181907:

A. SITE DEVELOPMENT PERMITS – 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 project requires the processing of a Progress Guide and General Plan and Community Plan Amendment. The project site is approximately 1.02 acres and is located within the Southeastern San Diego Community Planning area and more specifically within the Encanto Neighborhood of the Encanto Neighborhoods Planning area. The site is presently designated Residential Low Density at 5 to 10 dwelling units per acre (0.5 acres) and Residential Low-Medium Density at 10 to 15 dwelling units per acre (0.52 acres) by the Community Plan adopted by the City Council on July 13, 1987. The project proposes that the Southeastern San Diego Community Plan be amended to change the land use designation on the entire subject site to Residential Medium-High Density (15-30 du/ac). The proposed amendment would allow a range of 15 to 30 units on the subject site where a range of 8 to 13 units is currently allowed and construction of twenty-nine dwelling units is being proposed.

The proposed request for construction of twenty-nine residential units and on-site recreation areas would not adversely affect the Southeastern San Diego Community Plan in that it would implement the policies and recommendations of the community plan associated with building scale and character, site and building design, parking areas for multi-family developments, pedestrian access, streetscape, landscaping, outdoor amenities and pedestrian activity areas. More specifically, the proposed project would help increase housing supply in the City as well as provide new and high quality housing development within the community. The project design would also improve the visual and physical character of the community through streetscape improvements, quality residential development, enhanced landscaping, unobtrusive parking areas, overall site and building design, and relationship between the buildings and proposed associated passive/active recreational areas. The proposed project features pedestrian-oriented design elements, such as enhanced paving area, pedestrian connections throughout the site and with the public right-of-way area, a tot lot area, and a small passive recreation area. The proposed development would also enhance the visual image of the surrounding neighborhood and it would be compatible with existing and planned land uses on adjoining properties. Adjacent properties are mainly comprised of single-family, multi-family, and retail developments with respective land use designations of Low Density (5-10 du/ac), Low-Medium Density (10-15 du/ac), and specialized commercial.

The proposed project would also not adversely affect the Progress Guide and General Plan as one of the goals in the General Plan encourages in-fill development and revitalization. The proposed project would accommodate in-fill development by allowing additional housing in the community. The plan also discusses the importance of improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. The proposed project would develop much needed multi-family housing to help improve the neighborhood and its surroundings. The proposed project would also not adversely affect the Housing Element of the Progress Guide and General Plan as the proposed use would be ensuring the development of new housing to help meet the City's housing needs for a variety of household sizes. The project would also include three restricted affordable housing units on the site for households with an income at or below 100 percent of the Area Median Income [AMI] (\$63,400 for a family of four). This in turn would address another goal of the Housing Element to increase affordable housing opportunities. Therefore, no adverse impacts to the applicable land use plan would occur as a result of project implementation.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes the construction of a 29-unit multi-family condominium development consisting of six detached, 3-story, residential structures on a consolidated 1.02 acre site. The project requires the processing of a Progress Guide and General Plan and Community Plan Amendment and Rezone. The potential benefit of the proposed land use plan amendment and rezone is that it would allow for the development of housing stock at a density range comparable to adjacent recommended land uses as identified in the Southeastern San Diego Community Plan.

The project required the preparation of a Initial Study to identify the potential for significant environmental impacts which could be associated with the project pursuant to Section 15063 of the State CEQA Guidelines. The initial study included the analysis and review of a Noise Study, Biological Reconnaissance Survey, Geotechnical Report, and Hydrology (the project site is within the 100-year floodplain and floodplain fringe of the Encanto Branch of the South Las Chollas Creek). Analysis concluded that a Mitigated Negative Declaration would be required with mitigation measures for reducing potentially impacts from noise to below a level of significance.

The proposed project would be served by the City of San Diego Fire-Rescue Department Station 12, located at 4964 Imperial Avenue. Station 12 houses one engine company and one truck company. Four firefighters - including one paramedic - staff the engine company, and four firefighters staff the truck company for a total of eight persons.

The City strives to provide an average maximum response time of no more than five minutes for fire suppression activities, and eight minutes for paramedic service. The current response time from Station 12 to the proposed site is estimated to be at 3.6 minutes. This is well within the acceptable response time for fire protection and paramedic service. In addition, the project site has the capability of a full first-alarm assignment, which consists of three engine companies and two truck companies, to reach the site in a prescribed time as outlined by national standard.

Police protection is provided by the Southeastern Area Substation of the San Diego Police Department, located at Skyline Drive and Sychar. The Malcolm X Branch Library is located at 5148 Market Street, farther west from subject project site. Public transit services and several bus routes are located within walking distance of the subject site along Akins Avenue and Imperial Avenue. Proposed development would have access to existing public water and sewer facilities located within Akins Avenue and 62nd Street. The San Diego Trolley line runs along Akins and Imperial Avenues with a station located at 62nd Street and Akins Avenue, immediately across the street from subject project site.

The permit for the project will include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development regulations in effect for the subject property as described in Site Development Permit No. 181907, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The subject site is covered by two different land use designations (Low Density at 5 to 10 du/ac and Low-Medium Density at 10 to 15 du/ac) as well as two different zones (SF-6000 and MF-3000). Rezone No. 181901 would rezone the project site to MF-1500, a multi-family residential zone which allows a maximum 29.04 du/ac with a minimum 1,500 square feet of land area per dwelling unit. The area of the rezone would encompass the project site (1.02 acres) and to the centerlines of public right-of-ways on Akins Avenue and 62nd Street for a total area of 1.35 acres.

The site is part of an identified village opportunity area, or more specifically a transit corridor, running along the south side of Imperial Avenue and north side of Akins Avenue from approximately Valencia Parkway to Woodman Street. The site is also located across the street from the 62nd Street Trolley Station and in close proximity to existing multi-family developments, single-family units, school, park facilities, bus stops, commercial and retail uses that further support the development of multi-family development on this site. The twenty-nine multi-family units, being proposed at a density of approximately 28.4 du/ac, reflects the type of multi-family development that would be compatible with the existing surrounding neighborhood. Also, the addition of new quality residential development on this site could potentially help bring new mixed-use development and redevelopment to the village opportunity area transit corridor site located along Imperial Avenue and Akins Avenue. Based on this analysis and proposed project, the appropriate zoning to accompany this designation is MF-1500.

The project proposes deviations to the development standards of the San Diego Municipal Code/Land Development Code [SMDC/LDC] for parking, rear yard setback, stairs and retaining walls over three feet in height within the front and sideyard setbacks, floor area ratio, and facade/design orientation. The project will conform to the Inclusionary Affordable Housing Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent (three units) of the total for-sale dwelling

units on-site for households with an income at or below 100 percent AMI, currently \$63,400 for a family of four.

Each of the requested deviations would be necessary to allow 10 percent of the units to be affordable housing units, given the site size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the SDMC/LDC. Therefore, the proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

2. Supplemental Findings – Environmentally Sensitive Lands

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. The project site is located within the 100-year floodplain and floodplain fringe of the Encanto Branch of Las Chollas Creek. The site could be subject to inundation of up to one foot of water in the event of a 100-year flood. Since the project site is located in a highly urbanized area, development of the site would not harm the environmental values of the floodplain. The entire project site would either be elevated to two feet above the 100-year frequency flood elevation as demarcated in the Federal Emergency Management Agency [FEMA] maps or provide floodproofing of all structures to that same elevation. The proposed project would increase the rate of storm water runoff from pre-development levels. Additional storm water runoff as a consequence of the proposed project will be adequately addressed to the satisfaction of the City Engineer prior to issuance of any grading or building permits. No significant impacts are anticipated, 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 (100-year floodplain and floodplain fringe).

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. The project site is located within the 100-year floodplain and floodplain fringe of the Encanto Branch of Las Chollas Creek. The site could be subject to inundation of up to one foot of water in the event of a 100-year flood. Since the project site is located in a highly urbanized area, development of the site would not harm the environmental values of the floodplain. The entire project site would either be elevated to two feet above the 100-year frequency flood elevation as demarcated in the FEMA maps or provide floodproofing of all structures to that same elevation. No significant impacts are anticipated.

The project site lies within Geologic Hazard Zones 27 and 32 as shown on the City of San Diego's Seismic Safety Study Geologic Hazards Maps. Zone 27 is characterized as a slide-prone formation. Zone 32 is characterized as liquefaction; low potential with fluctuating groundwater minor drainages. A geotechnical report was prepared for the proposed development, and according to the report, the potential for liquefaction of the site subsoils is considered to be very low. Proper engineering design of the new structures would ensure that the potential for geologic impacts from regional hazards would not be significant.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project site is located

within the 100-year floodplain and floodplain fringe of the Encanto Branch of Las Chollas Creek. The site could be subject to inundation of up to one foot of water in the event of a 100-year flood. Since the project site is located in a highly urbanized area, development of the site would not harm the environmental values of the floodplain. The entire project site would either be elevated to two feet above the 100-year frequency flood elevation as demarcated in the FEMA maps or provide floodproofing of all structures to that same elevation. No significant impacts on any adjacent environmentally sensitive lands are anticipated.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The proposed project site is located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street. The partially developed 1.02-acre site is within the Encanto Neighborhoods of the Southeastern San Diego Community Plan area. The proposed development site is not located within the Multiple Habitat Planning Area.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed project site is located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street. The partially developed 1.02-acre site is within the Encanto Neighborhoods of the Southeastern San Diego Community Plan area. The proposed development site is not located adjacent or near a public beach or local shoreline. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. 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. The project site is located within the 100-year floodplain and floodplain fringe of the Encanto Branch of Las Chollas Creek. The site could be subject to inundation of up to one foot of water in the event of a 100-year flood. Since the project site is located in a highly urbanized area, development of the site would not harm the environmental values of the floodplain. The entire project site would either be elevated to two feet above the 100-year frequency flood elevation as demarcated in the FEMA maps or provide floodproofing of all structures to that same elevation. No negative impacts are anticipated by the proposed development.

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

a. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City. The project is subject to and meets the requirements of the Inclusionary Housing Ordinance. The developer will enter into an agreement with the San Diego Housing Commission to ensure the construction and occupancy of three affordable housing units, to be sold at prices affordable to households earning at or below 100 percent AMI, for a period of no less than 55 years. Each of the proposed condominium units would contain three-bedrooms and approximately 1,105 square-feet of living area with an attached 456 square-feet, two-car garage. Therefore, the proposed development will material assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

In addition, the Southeastern San Diego Community Plan encourages new housing development and states that it is clearly needed. The objectives also state that the level of owner occupancy in the community should be maintained or increased in order to increase maintenance of properties and pride in individual neighborhoods and that an economically and ethnically balanced community should be achieved. The proposed plan amendment to change the land use designation on the entire subject site to Residential Medium-High Density (15-30 du/ac) would allow a range of 15 to 30 units on the subject site where a range of 8 to 13 units is currently allowed and construction of twenty-nine dwelling units is being proposed. These units would be for-sale, thus meeting the Community Plan objective to increase owner occupancy. In addition, the City's Inclusionary Housing Ordinance would be met on-site as ten percent of the units will be designated as affordable, thus meeting the plan's objective for economically balanced communities.

b. The development will not be inconsistent with the purpose or the underlying zone. The purpose of the residential zones is to provide for areas of residential development at various specified densities throughout the City. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego. The proposed development would provide 10 percent of the units as affordable for-sale units for a period of no less than 55 years. The 3-bedroom units would house individuals, small and large families earning 100 percent of AMI, thus accommodating a variety of housing types and encouraging the provision of housing for all citizens of San Diego.

As an incentive for providing affordable housing, SDMC/LDC section 143.0920 governing Deviation Requirements for Affordable/In-Fill Housing) allows a developer of an affordable housing project to request deviations from the applicable development regulations of the underlying zone pursuant to a site development permit decided in accordance with Process 4, providing that the required findings can be made.

The subject site is covered by two different land use designations (Low Density at 5 to 10 du/ac and Low-Medium Density at 10 to 15 du/ac) as well as two different zones (SF-6000 and MF-3000). The Rezone No. 181901 action would rezone the project site to MF-1500, a multi-family residential zone which allows a maximum 29.04 du/ac with a minimum 1,500 square feet of land area per dwelling unit. The area of the rezone would encompass the project site (1.02 acres) and to the centerlines of public right-of-ways on Akins Avenue and 62nd Street for a total area of 1.35 acres.

The site is part of an identified village opportunity area, or more specifically a transit corridor, running along the south side of Imperial Avenue and north side of Akins Avenue from approximately Valencia Parkway to Woodman Street. The site is also located across the street from the 62nd Street Trolley Station and in close proximity to existing multi-family developments, single-family units, school, park facilities, bus stops, commercial and retail uses that further support the development of multi-family development on this site. The twenty-nine multi-family units, being proposed at a density of approximately 28.4 du/ac, reflects the type of multi-family development that would be compatible with the existing surrounding neighborhood. Also, the addition of new quality residential development on this site could potentially help bring new mixed-use development and redevelopment to the village opportunity area – transit corridor

site located along Imperial Avenue and Akins Avenue. Based on this analysis and proposed project, the appropriate zoning to accompany this designation is MF-1500.

The project proposes deviations to the development standards of the SDMC/LDC for parking, rear yard setback, stairs and retaining walls over three feet in height within the front and sideyard setbacks, floor area ratio, and facade/design orientation. Each of the requested deviations would be necessary to allow 10 percent of the units to be affordable housing units, given the site size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the development will not be inconsistent with the purpose or 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 project proposes to deviate from the SDMC/LDC requirements covering parking, rear yard setback, stairs and retaining walls over three feet in height within the front and sideyard setbacks, floor area ratio, and facade/design orientation.

The parking requirement for this project consisting of twenty-nine 3-bedroom units is sixty-four spaces of which one space is accessible parking spaces in addition to three motorcycle spaces. The project proposes to deviate from SDMC/LDC section 142.0525 (d) which requires that 2.25 parking spaces be provided for each proposed 3-bedroom unit. Though the project site is not located within a mapped Transit Area, staff has analyzed the request and based on the proximity to the San Diego Trolley line and the Encanto/62nd Street Trolley station, the project will function as a transit oriented development. As such, a transit oriented project such as the proposed would be required to provide only 2.0 parking spaces per unit.

The project proposes to deviate from SDMC/LDC section 103.1706(f)(3) which requires a minimum rear yard setback of 15 feet when no alley exists (with an alley the minimum rear yard setback would be five feet). The applicant is proposing a minimum rear yard setback of 5 feet. The project site is a corner parcel with approximately equal frontage on abutting public streets, however, the shorter frontage on Akins Avenue by the regulation would be considered as the front yard. The proposed deviation is appropriate for this location based on the surrounding topographic and street grade considerations, and the existing setbacks on the adjacent properties.

The project proposes to deviate for stairs (ranging from 3 to 5 feet in height) to encroach into the front and side yard setback that exceeds the maximum 3 feet in height requirements. The request is necessary in order to provide improved pedestrian access to the site. The project site is located within the 100-year floodplain and floodplain fringe of the Encanto Branch of Las Chollas Creek. The site could be subject to inundation of up to one foot of water in the event of a 100-year flood. Since the project site is located in a highly urbanized area, development of the site would not harm the environmental values of the floodplain. The entire project site would be elevated to two feet above the 100-year frequency flood elevation.

The project proposes a deviation to exceed the maximum 1.0 Floor Area Ratio [FAR] within the MF-1500 zone by 0.018. The maximum FAR allowed is 44,483 square feet and

the request is for a total of 45,269 square or a 1.018 FAR. Staff has analyzed the request and based on the proposed condominium units containing 3-bedrooms with approximately 1,105 square-feet of living area and the on-site affordable housing component.

The project proposes to deviate from SDMC/LDC sections 103.1706(1)(3)(A) and 103.1706(1)(4) which requires that the architecture meet the provisions for offsetting planes and the façade design/orientation regulations. Staff has analyzed the request and based on size of the of the subject property and the design meets the intent of the offsetting planes criteria in 3 of 4 of the building elevations with reduced offset dimensions (fewer offsets are proposed in the garage court elevations to minimize conflicts with fire lane vertical clearance criteria). In addition, windows are proposed on all units with street frontages, entry doors are proposed on all units fronting 62nd Street or 56 percent of the total project street fronting units.

Therefore, the 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.

4. Findings for Site Development Permit (Southeastern San Diego Planned District):

a. The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council. The project requires the processing of a Progress Guide and General Plan and Community Plan Amendment. The project site is approximately 1.02 acres and is located within the Southeastern San Diego Community Planning area and more specifically within the Encanto Neighborhood of the Encanto Neighborhoods Planning area. The site is presently designated Residential Low Density at 5 to 10 dwelling units per acre (0.5 acres) and Residential Low-Medium Density at 10 to 15 dwelling units per acre (0.52 acres) by the Community Plan which was adopted by the City Council on July 13, 1987. The project proposes that the Southeastern San Diego Community Plan be amended to change the land use designation on the entire subject site to Residential Medium-High Density (15-30 du/ac). The proposed amendment would allow a range of 15 to 30 units on the subject site where a range of 8 to 13 units is currently allowed and construction of twenty-nine dwelling units is being proposed.

The proposed request for construction of twenty-nine residential units and on-site recreation areas would not adversely affect the Southeastern San Diego Community Plan in that it would implement the policies and recommendations of the community plan associated with building scale and character, site and building design, parking areas for multi-family developments, pedestrian access, streetscape, landscaping, outdoor amenities and pedestrian activity areas. More specifically, the proposed project would help increase housing supply in the City as well as provide new and high quality housing development within the community. The project design would also improve the visual and physical character of the community through streetscape improvements, quality residential development, enhanced landscaping, unobtrusive parking areas, overall site and building design, and relationship between the buildings and proposed associated passive/active recreational areas. The proposed project features pedestrian-oriented design elements, such as enhanced paving area, pedestrian connections throughout the

site and with the public right-of-way area, a tot lot area, and a small passive recreation area. The proposed development would also enhance the visual image of the surrounding neighborhood and it would be compatible with existing and planned land uses on adjoining properties. Adjacent properties are mainly comprised of single-family, multi-family, and retail developments with respective land use designations of Low Density (5-10 du/ac), Low-Medium Density (10-15 du/ac), and specialized commercial.

The proposed project would also not adversely affect the Progress Guide and General Plan as one of the goals in the General Plan encourages in-fill development and revitalization. The proposed project would accommodate in-fill development by allowing additional housing in the community. The plan also discusses the importance of improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. The proposed project would develop much needed multi-family housing to help improve the neighborhood and its surroundings. The proposed project would also not adversely affect the Housing Element of the Progress Guide and General Plan as the proposed use would be ensuring the development of new housing to help meet the City's housing needs for a variety of household sizes. The project would also include three restricted affordable housing units on the site for households with an income at or below 100 percent of the AMI (\$63,400 for a family of four). This in turn would address another goal of the Housing Element to increase affordable housing opportunities.

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

b. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable. The subject site is covered by two different land use designations (Low Density at 5 to 10 du/ac and Low-Medium Density at 10 to 15 du/ac) as well as two different zones (SF-6000 and MF-3000). Rezone No. 181901 would rezone the project site to MF-1500, a multi-family residential zone which allows a maximum 29.04 du/ac with a minimum 1,500 square feet of land area per dwelling unit. The area of the rezone would encompass the project site (1.02 acres) and to the centerlines of public right-of-ways on Akins Avenue and 62nd Street for a total area of 1.35 acres.

The site is part of an identified village opportunity area, or more specifically a transit corridor, running along the south side of Imperial Avenue and north side of Akins Avenue from approximately Valencia Parkway to Woodman Street. The site is also located across the street from the 62nd Street Trolley Station and in close proximity to existing multi-family developments, single-family units, school, park facilities, bus stops, commercial and retail uses that further support the development of multi-family development on this site. The twenty-nine multi-family units, being proposed at a density of approximately 28.4 du/ac, reflects the type of multi-family development that would be compatible with the existing surrounding neighborhood. Also, the addition of new quality residential development on this site could potentially help bring new mixed-use development and redevelopment to the village opportunity area transit corridor site located along Imperial Avenue and Akins Avenue.

Therefore, the proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

c. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The project proposes the construction of a 29-unit multi-family condominium development consisting of six detached, 3-story, residential structures on a consolidated 1.02 acre site. The project requires the processing of a Progress Guide and General Plan and Community Plan Amendment and Rezone. The potential benefit of the proposed land use plan amendment and rezone is that it would allow for the development of housing stock at a density range comparable to adjacent recommended land uses as identified in the Southeastern San Diego Community Plan.

The project required the preparation of a Initial Study to identify the potential for significant environmental impacts which could be associated with the project pursuant to Section 15063 of the State CEQA Guidelines. The initial study included the analysis and review of a Noise Study, Biological Reconnaissance Survey, Geotechnical Report, and Hydrology (the project site is within the 100 year floodplain and floodplain fringe of the Encanto Branch of the South Las Chollas Creek). Analysis concluded that a Mitigated Negative Declaration would be required with mitigation measures for reducing potentially impacts from noise to below a level of significance.

The proposed project would be served by the City of San Diego Fire-Rescue Department Station 12, located at 4964 Imperial Avenue. Station 12 houses one engine company and one truck company. Four firefighters - including one paramedic - staff the engine company, and four firefighters staff the truck company for a total of eight persons.

The City strives to provide an average maximum response time of no more than five minutes for fire suppression activities, and eight minutes for paramedic service. The current response time from Station 12 to the proposed site is estimated to be at 3.6 minutes. This is well within the acceptable response time for fire protection and paramedic service. In addition, the project site has the capability of a full first-alarm assignment, which consists of three engine companies and two truck companies, to reach the site in a prescribed time as outlined by national standard.

Police protection is provided by the Southeastern Area Substation of the San Diego Police Department, located at Skyline Drive and Sychar. The Malcolm X Branch Library is located at 5148 Market Street, farther west from subject project site. Public transit services and several bus routes are located within walking distance of the subject site along Akins Avenue and Imperial Avenue. Proposed development would have access to existing public water and sewer facilities located within Akins Avenue and 62nd Street. The San Diego Trolley line runs along Akins and Imperial Avenues with a station located at 62nd Street and Akins Avenue, immediately across the street from subject project site.

The permit for the project will include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development regulations in effect for the subject property as described in Site Development Permit No. 181907, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code. Therefore, the proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

d. The proposed use will comply with the relevant regulations of the San Diego Municipal Code. The subject site is covered by two different land use designations (Low Density at 5 to 10 du/ac and Low-Medium Density at 10 to 15 du/ac) as well as two different zones (SF-6000 and MF-3000). The Rezone No. 181901 action would rezone the project site to MF-1500, a multi-family residential zone which allows a maximum 29.04 du/ac with a minimum 1,500 square feet of land area per dwelling unit. The area of the rezone would encompass the project site (1.02 acres) and to the centerlines of public right-of-ways on Akins Avenue and 62nd Street for a total area of 1.35 acres.

The site is part of an identified village opportunity area, or more specifically a transit corridor, running along the south side of Imperial Avenue and north side of Akins Avenue from approximately Valencia Parkway to Woodman Street. The site is also located across the street from the 62nd Street Trolley Station and in close proximity to existing multi-family developments, single-family units, school, park facilities, bus stops, commercial and retail uses that further support the development of multi-family development on this site. The twenty-nine multi-family units, being proposed at a density of approximately 28.4 du/ac, reflects the type of multi-family development that would be compatible with the existing surrounding neighborhood. Also, the addition of new quality residential development on this site could potentially help bring new mixed-use development and redevelopment to the village opportunity area transit corridor site located along Imperial Avenue and Akins Avenue. Based on this analysis and proposed project, the appropriate zoning to accompany this designation is MF-1500.

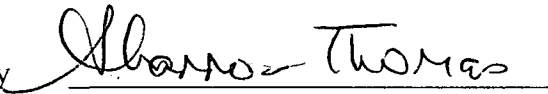
The project proposes deviations to the development standards of the SDMC/LDC for parking, rear yard setback, stairs and retaining walls over three feet in height within the front and sideyard setbacks, floor area ratio, and facade/design orientation. The project will conform to the Inclusionary Affordable Housing Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent (three units) of the total for-sale dwelling units on-site for households with an income at or below 100 percent AMI, currently \$63,400 for a family of four.

Each of the requested deviations would be necessary to allow 10 percent of the units to be affordable housing units, given the site size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the SDMC/LDC. Therefore, the proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 181907 is granted to the Western Pacific Housing, Inc., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
11/15/05
12/13/05 COR.COPY
Or.Dept:DSD
R-2006-410
MMS#2470

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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 NO. 423921

SITE DEVELOPMENT PERMIT NO. 181907
ESPERANZA TOWNHOMES – PROJECT NO. 60959 [MMRP]
CITY COUNCIL

This Site Development Permit No. 181907 is granted by the City of the City of San Diego to the Western Pacific Housing, Inc., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 1.02 acre site is located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street in the SF-6000 and MF-3000 zones which are proposed to be rezoned to the MF-1500 within the Southeastern San Diego Planned District and the Encanto Neighborhoods of the Southeastern San Diego Community Plan. The project site is legally described as Lots 35-37 of Garden Acres according to the Map thereof No. 1797, filed in the Office of the County Recorder, July 7, 1924.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to construct a 29-unit condominium project, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated October 18, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of the single-family residence and associated structures, and consolidation of three parcels into one lot to construct a 29-unit multi-family condominium development consisting of six detached, 3-story, residential structures on a consolidated 1.02 acre site. Each of the proposed condominium units would contain three bedrooms and approximately 1,105 square-feet of living area with an attached 456 square-feet, 2-car garage;
- b. Meeting the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) requirements by selling at least 10 percent of the units

(three units) to, and at prices affordable to, households earning no more than 100% Area Median Income [AMI];

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or

policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

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

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. 181907 and Vesting Tentative Map No. 249328, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration, LDR No. 60959 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, LDR No. 60959 satisfactory to the City Manager and City Engineer. Prior to the issuance of any building permits, 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:

Noise

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to meet these requirements by selling at least 10 percent of the units (three units) to, and at prices affordable to, households earning no more than 100 percent Area Median Income [AMI].

16. Prior to receiving the first residential building permit, the Owner/Permittee must enter into an agreement with the San Diego Housing Commission to assure that the restricted units are built and occupied by the appropriate households

ENGINEERING REQUIREMENTS:

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

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

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

20. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the replacement of the curb with City standard curb and gutter, adjacent to the site on 62nd Street, satisfactory to the City Engineer.

21. The drainage system proposed for this development is 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. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for sidewalk underdrains in the Akins Avenue right-of-way.
24. Prior to the issuance of a building permit the Owner/Permittee shall obtain a 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. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
26. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
27. Prior to building occupancy, the Owner/Permittee shall reconstruct the curb ramp at the corner of Akins Avenue and 62nd Street in compliance with current City Standards to the satisfaction of the City Engineer.
28. Prior to building occupancy, the Owner/Permittee shall close all non-utilized driveways and replace with sidewalk and curb and gutter.
29. Prior to building occupancy, the Owner/Permittee shall construct sidewalk along the property frontage on 62nd Street.
30. Prior to building occupancy, the Owner/Permittee shall replace the curb along Akins Avenue with curb and gutter.
31. Fill placed in the Special Flood Hazard Area [SFHA] for the purpose of creating a building pad must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.
32. If the structures will be elevated on fill, such that the lowest adjacent grade is at or above the Base Flood Elevation [BFE], the applicant must obtain a Letter of Map Revision based on Fill [LOMR-F] prior to occupancy of the building. The

Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA to process and approve the LOMR-F.

33. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the SFHA, the developer must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency [FEMA] prior to issuance of any grading, engineering, or building permits. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

34. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the SFHA, no certificates of occupancy will be granted or bonds released for development associated with this project until a LOMR is obtained from FEMA. The LOMR is issued based upon as-built site conditions; therefore, the applicant must allow time to complete this process. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

35. If the structures will be floodproofed, they must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93. Additionally, a registered civil engineer or architect must certify prior to occupancy that those requirements have been met.

36. Prior to occupancy of any structures on lots within the SFHA, an appropriate map revision which removes the structures from the SFHA must be obtained from the FEMA. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

37. Prior to building occupancy, the Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.

LANDSCAPE REQUIREMENTS:

38. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

39. Prior to the issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement from the City Engineer for landscaping within the public right-of-way along Akins Avenue and 62nd Street.

40. Prior to the issuance of any construction permits for grading, landscape construction documents for temporary erosion control shall be submitted to the City Manager for approval.

41. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan.

42. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

43. 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.

44. The Owner/Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. The Owner/Permittee shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer.

52. 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.

53. 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 Owner/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.

54. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

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

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

57. 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.

58. 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.

59. 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."

TRANSPORTATION REQUIREMENTS:

60. No fewer than sixty-four off-street parking spaces and three motorcycle parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

61. Prior to the issuance of any engineering permit, Owner/Permittee shall dedicate 3 additional feet to Akins Avenue right-of-way along property frontage, satisfactory to the City Engineer.

62. The Owner/Permittee This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

WASTEWATER REQUIREMENTS:

63. All proposed sewer facilities serving this development will be private.

64. Prior to the issuance of any building permits, the Owner/Permittee shall provide CC&R's, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of private sewer facilities that serve more than one ownership.

65. Prior to the issuance of any engineering permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities installed in or over the public right of way.

66. 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.

67. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER REQUIREMENTS:

68. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the installation of a new fire hydrant (if the existing fire hydrant can not be reused to reconnect to the existing 8-inch water main on Akins Avenue as determined during plan check), to connect to the existing 8-inch water main on Akins Avenue, in a manner satisfactory to the Fire Department and the City Engineer.

69. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

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

71. 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 Water Department Director and the City Engineer.

72. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

FACILITIES FINANCING REQUIREMENTS:

73. Prior to building permit issuance, the Owner/Permittee shall be required to pay a Residential Development Impact Fee. The Owner/Permittee will be subject to the fees in effect at the time of the building permit issuance.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on October 18, 2005, and Resolution No.300945.

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.

WESTERN PACIFIC HOUSING, INC.,
A Delaware Corporation
Owner/Permittee

By _____

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

PERMIT/OTHER -- Permit Shell 11-01-04