

RESOLUTION NUMBER R-300983

ADOPTED ON OCTOBER 25, 2005

WHEREAS, North Park Apostolic Church, Owner/Champlain Associates, LLC, Permittee, filed an application with the City of San Diego for a planned development permit to demolish an existing church and school building and associated accessory improvements, and construct a 90-unit condominium project within ten, detached, 4-story buildings on a 3.39-acre site known as the Vista Colina project, located at 4079 54th Street, north of University Avenue, and legally described as Parcel 1 of Parcel Map No. 6622, and the north 149.75 feet of Lot 21 of Lemon Villa Map No. 734, excepting therefrom the north 59.75 feet thereof, also excepting the east 565 feet thereof, also excepting therefrom the west 20 feet thereof as conveyed to the City of San Diego, in Book 6117, Page 541 of Official Records, in the Central Urbanized Planned District of the Eastern Area Community of the Mid-City Communities Plan area, in the RM-1-1 zone which is proposed to be rezoned to the RM-2-6 zone; and

WHEREAS, on August 25, 2005, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 116033, and pursuant to Resolution No. 3828-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on October 25, 2005, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 116033:

A. PLANNED DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The 3.39-acre site is located in the Eastern Area community of the Mid-City Communities Plan. The community plan designates the site for Residential (11-15 du/ac) emphasizing multi-family residential development. A General/Community Plan Amendment is proposed to redesignate the site to Residential (26-30 du/ac) which would allow 88 to 102 dwelling units on the project site. The proposed 90-unit multi-family residential project would be consistent with the proposed land use.

The 90-unit market-rate, for-sale project would meet the goal of fostering an economically and socially balanced residential community by creating additional housing opportunities, constructing market-rate housing, and creating opportunities for homeownership. The project would also meet goals in the Urban Design Element and Transportation Element of the community plan by encouraging pedestrian orientation along 54th Street and within the project with the provision of a 10-foot sidewalk along 54th Street with the provision of shade producing street trees and a network of interconnected, 5-foot wide pedestrian paths that would be separated from the private drives within the project site. Further, in order to address the lack of recreational facilities in the community, the project also proposes several on-site amenities consisting of a centrally located tot-lot within a courtyard area, barbecue and picnic areas distributed throughout the perimeter of the project area, and an adult exercise located at the north end of the project site. Therefore, given that the proposed project meets the above mentioned recommendations in the community plan, the project would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety and welfare. The proposed project is the construction of ten buildings containing a total of ninety, condominium units on a 3.39-acre site within the Eastern community. The project required the preparation of a Mitigated Negative for potential impacts to archaeological (historical) resources and paleontology. Mitigation measures have been included for potential impacts to these resources, which will reduce any impacts to below a level of significance. The environmental analysis included the review of a Hydrology Study, Sewer Study, Water Quality Technical Report, Acoustical Report and a Geotechnical Report. Staff's analysis of these documents concluded that the project would not adversely impact any potential environmental issues associated with these issue areas, therefore, no mitigation was required.

The proposed project would be served by the City of San Diego Fire-Rescue Department Station 26 which is located at 2850 54th Street, approximately one mile south of the project site. Station 26 houses one engine company, Engine 26, which is staffed by four firefighters, including one paramedic. The City strives to provide an average maximum response time of no more than five minutes for fire suppression activities. According to Fire-Rescue staff, the response time to the project site is estimated to be 2.7 minutes, which is well within the acceptable standard.

Police service to the Vista Colina Project would be provided by the Mid-City Division, located at 4310 Landis Street, which is approximately 1.6 miles west of the project site. Mid-City Division is currently comprised of 205 sworn personnel, eighteen civilian professional staff, and

four Community Service Officers. The 2005 average response time (February 15 to June 30, 2005) for priority one calls to the vicinity of the project site, which are calls that involve serious crimes in progress or those with the potential for injury, was 14.84 minutes. The citywide average response time for that same time period was 14.11 minutes. The current patrol strength at Mid-City Division is 159 patrol officers with an optimal strength of 222 patrol officers. The optimal number reflects the industry standard of 40 percent preventative patrol time to provide acceptable response times

The permit prepared for this development includes various conditions and referenced Exhibits of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions of the City's Municipal Code in effect for this site; and that such conditions have been determined by the Decision Maker as necessary to avoid adverse impacts upon the health, safety, and general welfare. These conditions (referenced Exhibits) include limitations upon the extent and amount of site grading activities, minimum parking and landscaping requirements, and required infrastructure. The development of the site requires the demolition of an older existing religious facility and school building with surface parking lots and minimum landscaped areas. The rear portion of the site houses an abandoned swimming pool. The proposed development will visually enhance the area with new buildings and enhanced landscaped areas along the perimeter and within the site. Therefore, the proposed project would not be detrimental to the public health, safety, and welfare.

3. The proposed use will comply with the applicable regulations of the San Diego Municipal Code/Land Development Code SDMC/LDC]. The proposed 90-unit condominium development would comply with all of the applicable regulations of the SDMC/LDC which include, traffic, engineering, water and sewer, and geology requirements, and, the regulations of the RM-2-6 zone, including floor area ratio, rear setbacks, and landscaping. Deviations to the development regulations with respect to building height, retaining wall height, front and interior yard setback and tandem parking have been incorporated into the site design as allowed under the Planned Development Permit [PDP].

The project was reviewed for compliance with the underlying zone and the supplemental regulations of the Planned Development Permit which includes design standards and open space requirements. The criteria for development regulations require that the overall design of developments be comprehensive and demonstrate the relationship between on-site and off-site developments. Structures should avoid repetitious patterns that are inconsistent with the goals of the land use plan. The scale of the developments should be consistent with the neighborhood and should represent the dominant development pattern in the area or, as called for in the community plan. Landscaping should be used to soften the appearance of blank walls and enhance the pedestrian scale of the development. Parking areas and access drives should be located to avoid conflicts with internal pedestrian circulation, street systems, and adjacent properties.

The project has been designed to locate the vehicle parking area and vehicle circulations area towards the interior of the site. The vehicle circulation is screened from adjoining properties by the proposed structures. The project proposes pedestrian walkways connecting the right-of-way to each of the dwelling unit entries. Dwelling unit entries are located on the opposite side of the building, which reduces pedestrian circulations across private driveways. The scale of the project is consistent with the neighborhood scale. The project site is surrounded by two and three

buildings that are located at sites with higher elevations than the project site. Due to these topographic differences, the roofline of the proposed project will be at similar heights to the rooflines of buildings on the surrounding properties.

The proposed development is providing pitched roofs, façade articulations and balconies that help to diminished building bulk. The project provides landscape including trees at all four sides of the building. This includes trees at the garage entrances along the drive aisle.

The PDP regulations have both “total” (common) and “usable” (private) open space requirements. For sites zoned RM-2-6, 190 square feet of both total and usable open space is required for this development. The project exceeds the open spaces requirements as shown below:

Total Common Open Space:

Required: 13,950 square feet, or 155 square feet per unit
Provided: 43,304 square feet, or 481 square feet per unit

Usable Open Space:

Required: 13,950 square feet or 155 square feet per unit
Provided: 33,992 square feet or 377 square feet per unit

Additionally, each unit has a private balcony which was not included in the PDP’s usable or private open space requirements. These balconies provide an additional 7,622 square feet of private open space areas. They were not included due to California Environmental Quality Act [CEQA] guidelines, specifically, if the balconies were required to fulfill the usable open space requirement, mitigation measures would have been required for potential noise impacts. Nevertheless, the project exceeds the amount of open space as required by the PDP ordinance, excluding the private exterior balconies that are provided for each unit.

Total open space areas include all usable open space, and, the sloped areas. For the proposed project, the usable open space areas include the large landscaped tot lot/green space area within the interior of the development; five barbeque areas located at the perimeter of the site in various locations; an adult exercise area, as well as landscaped side yards and landscaped areas adjacent to the sidewalks.

The San Diego Municipal Code/Land Development Code also requires that projects exceeding ten dwellings units must provide one of the following recreational amenities within the common open space requirement: a tot lot; a barbecue area with picnic tables and shade structure; a sport court or field; or, a swimming pool or golf course. The project provides for two of these amenities.

The development is consistent with the purpose and intent of the Central Urbanized Planned District Ordinance [CUPDO] and complies with the relevant regulations with respect to floor area ratio, coverage, rear yard setbacks, and landscaping. The purpose and intent states that projects should implement the goals and objectives of the Mid-City Communities Plan and should provide for quality multiple dwelling units that are compatible in scale and character with existing neighborhoods. The adjoining properties to the north and east are multi-family developments with varying architecture and design. The project is consistent with the “additional

residential zones development regulations” of the CUPDO which requires residential architectural features including windows of similar material; no more than two different wall siding materials on any single building; and, the incorporation of a particular building style with a minimum of five identifying architectural features of that style. The proposed buildings will be of Spanish style architecture to contain elements such as concrete tile roofs, wood trellises wrought iron railings and battered window openings as stipulated by the CUPDO.

The proposed development is consisted with the Transit-Oriented Development [TOD] Design Guidelines which suggests that transit oriented developments be located within a 2,000-foot walking radius of a transit stop or commercial area. A bus stop is located directly in front of the subject property (Route 955) which is proposed to be connected to the planned “Transit First Showcase Project” that will provide rapid bus transit from Downtown to San Diego State University. The project site is also located 0.07 miles from University Avenue and 0.46 miles from El Cajon Boulevard, which are the designated commercial-transit corridors in the community. Per the TOD guidelines, the minimum density for urban development is 18 dwelling units per acre. The project proposes an average density of 27 dwelling units per acre.

Therefore, the proposed development complies with all of the relevant regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project is the construction of a 90-unit, condominium development on a 3.39-acre site. The project will be beneficial to the Eastern Area community in that it will visually enhance the site by providing a high quality, infill development with varying architectural styles and designs, as well as enhanced landscaping along the perimeter and within the site. The project will provide for increased housing stock to the community and to the City. The development will provided for several amenities to those residing within the units including recreation areas, fenced rear yards and balconies. The proposed development implements several goals and recommendations identified within the Mid City Communities Plan including those associated with building scale and character, site and building design, parking areas for multi-family developments, pedestrian access, streetscape, landscaping, sign standards, outdoor amenities and pedestrian activity areas.

Residents of the proposed project would be within close proximity to various civic uses such as the existing Colina del Sol Community Park, health center facilities, schools, and commercial-centers which could be accessed by the existing sidewalk network and further supplemented by public transit. Due to the close proximity of the Colina del Sol park to the project site, residents could utilize the park for their recreational purposes. A 0.7-acre public pocket park equipped with 4,900 square feet of grass turf area, areas for seating, and plazas for gathering will be constructed as part of the Auburn Park Project located at 52nd and University Avenues. Public access to this park would be reached from both University Avenue roadways via stairways and ADA accessible ramps. Furthermore, the Mary Lanyon Fay Elementary School located along 52nd Street and Orange Avenue will have a joint-use agreement for a 1.63-acre recreational field that will allow for public on-site recreational use. The Elementary School is scheduled to be open Fall 2007.

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 proposed project would develop much needed multi-family housing to help improve the neighborhood and its surroundings. The proposed development, when considered as a whole, would be beneficial to the community.

It will visually enhance the site and the neighborhood by removing a development with unscreened parking, no landscaped areas and overheight signage, and constructing a high quality, extensively landscaped project that is in keeping with the goals and recommendation of the community plan. The site is located within the Crossroads Redevelopment Project Area which calls for the elimination and prevention of the spread of blight and deterioration for sites located near University Avenue and the redevelopment of properties in accordance with the General Plan and applicable community plan, and local codes and ordinances.

5. Any proposed deviations pursuant to San Diego Municipal Code/Land Development Code section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed 90-unit condominium development will comply with all of the applicable regulations of the SDMC/LDC which include, traffic, engineering, water and sewer, and geology requirements, and, the regulations of the RM-2-6 zone, including floor area ratio, rear yard setbacks and landscaping. Deviations to the development regulations with respect to building height, retaining wall height, front and interior yard setback and tandem parking have been incorporated into the site design as allowed under the Planned Development Permit [PDP].

Minor deviation to building height has been incorporated into the site design as allowed under the Planned Development Permit [PDP]. The proposed project is an infill project and deviations for reduced setbacks and tandem parking are appropriate for this location. Increased retaining wall height is necessary to maintain and/or improve existing slope conditions.

- a. Building Height – 46’-0” and 54’-0” where 40’-0” is the maximum allowed: Nine of the structures would measure 46’-0” and one building, located above the existing pool, would measure 54’-0” from pre-existing grade. The increased building height would not impact other developments in the area due to the differences in topography. Adjacent to the north is a 3-story multi-family complex located approximately 20’-0” to 30’-0” higher in grade elevation than the subject property.
- b. Front Yard Setback – and 9’-0” where 15’-0” is the minimum required: An interior stairwell within two of the buildings would observe an 8’-1” and a 9’-0” front setback at the closest point adjacent to 54th Street, however, the remainder of the structures containing the living area and garages would observe the required front setback.
- c. Interior Side Yard Setback – 19’-0” north side setback and 24’-0” south side setback where 38’-0” is required: Two of the buildings would observe a 19’-0”

and a 24'-0" north side setback. The two buildings located on the south side of the property would observe a 24'-0" side setback. However, due to the differences in grade of the adjoining sites, each of these structures is separated topographically from the developments to the north and south. The property to the north is a 3-story, multi-family development located approximately 20'-0" to 30'-0" higher in elevation than the subject property. Next door to the south is the 1-story restaurant fronting on 54th Street, and a 2-story multi-family development exists along University Avenue. These sites are approximately 10'-0" lower in elevation than the subject property.

- d. Retaining Wall Heights:-7'-0" high in the front yard where 3'-0"; 16'-0" high in the north interior side yard where 6'-0" maximum is permitted; and, 9'-6" high retaining wall within the rear yard where 6'-0" is the maximum permitted. Due to the existing grade conditions, a small section of the wall proposed within the front setback within the northwest corner of the site will reach a height of 7'-0", however, this wall will be below street grade, behind a 6'-0" high freestanding wall located on the front property line therefore, the overheight condition will not be visible from the street. Within the north interior side yard, a series of stepped retaining walls are proposed in order to maintain a steeply sloping embankment that is currently not supported by any retaining walls on the subject property. A small section of these walls within the northeast corner of the site will extend to a height of 16'-0" at the highest point. A portion of the retaining wall within the rear yard will extend to 9'-6" at the highest point. This area is currently a gunnite slope that extends to a height of approximately 10'-0". All of the proposed retaining walls within the front, side and rear yards will not be visible from public-rights-of-way and/or, will be screened with landscape materials at the front of the site, at the base of the walls and within the sloped areas above the walls. The walls are necessary to aid in erosion control and facilitate the buildable pad area for the proposed development.
- e. Tandem Parking: The applicant has requested to allow tandem parking spaces to count as two parking spaces. The property is not located within the Residential Transit Overlay Zone and as such, tandem parking spaces may only be counted as one parking space. The project provides one enclosed tandem garage for each of the ninety units, or ninety parking spaces, where 180 spaces would be required. Allowing tandem parking provides for enclosed parking for each of the units, in immediate proximity to the unit. The proposed deviation does not affect the number of parking spaces, rather their configuration. In general, the concern with tandem parking is that residents may only park one vehicle in their garage and potentially create a shortage of on-street parking spaces with a second vehicle. Covenants, Conditions, and Restrictions will be recorded as part of the development which will require residents to park in their assigned garage spaces. Additionally, there is no on-street parking allowed on 54th Street. With these measures in place, tandem parking is a preferred alternative to conventional side-by-side parking which would reduce the number of in-fill units near mass transit and public facilities.

The proposed development is compatible with the surrounding area which includes multi-story, multi-family to the north and the east. The proposed walls will not be visible from the street as the overheight conditions occur on-site. The retaining walls at the northeast corner of the site are necessary in order to more effectively maintain a steeply sloping terrain. The walls will be screened by landscape materials to soften their appearance. The use of the retaining wall allows for pedestrian walkways to be located on the opposite side of the buildings from the garages and vehicle circulation. The proposed tandem parking spaces will provide for enclosed parking for each of the units. The reduced setback areas at the front and interior side yards will be mitigated by the topographical separation of the adjoining sites and, screened buffers from these adjoining developments due to the placement of the buildings, private driveway alignments and extensively landscaped areas along the site's perimeter.

Therefore, the proposed deviations 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 above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 116033 is granted to North Park Apostolic Church, Owner/Champlain Associates, LLC, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
11/30/05
Or.Dept:Clerk
R-2006-477
MMS #2575

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 42-1799

PLANNED DEVELOPMENT PERMIT NO. 116033
RESCISSION OF ZONE VARIANCE NO. C-9306
VISTA COLINA – PROJECT NO. 40767 [MMRP]
CITY COUNCIL

This Planned Development Permit No. 116033 and rescission of Zone Variance No. C-9306 is granted by the Council of the City of San Diego to North Park Apostolic Church, Owner/Champlain Associates, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 125.0601. The 3.39-acre site is located at 4079 54th Street in the RM-1-1 zone of the Central Urbanized Planned District (proposed RM-2-6 zone of the Central Urbanized Planned District) of the Eastern Area community of the Mid-City Communities Planning Area. The project site is legally described as Parcel 1 of Parcel Map No. 6622, and the north 149.75 feet of Lot 21 of Lemon Villa Map No. 734 excepting therefrom the north 59.75 feet thereof, also excepting the east 565 feet thereof, also excepting therefrom the west 20 feet thereof as conveyed to the City of San Diego, in Book 6117, Page 541 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing religious facility and school building for the construction of a 90-unit condominium project, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 25, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. The demolition of a 2-story building housing an existing religious facility and school and associated improvements;
- b. Construction of ninety, 2- and 3-bedroom condominium units within ten, 4-story, buildings containing one, 6-unit building; three, 8-unit buildings; and six, 10-unit buildings totaling 194,622 square feet, or a maximum floor area ratio of 1.30;

- c. Deviations to the following development regulations:
 - i. Building height 46'-0" for all buildings except Building No. 4; (cited above the location of an existing swimming pool). Building No. 4 height limit is 54'-0" where 40'-0" is the maximum allowed;
 - ii. a 9'-0" front yard for the buildings where 15'-0" is the minimum required;
 - iii. a 19'-0" north side yard for the buildings where 38'-0" is required;
 - iv. a 24'-0" south side yard for the buildings where 38'-0" is required;
 - v. a maximum 7'-0" high retaining wall in the front yard where 3'-0" maximum is allowed;
 - vi. a maximum 16'-0" high retaining wall in the north interior side yard where 6'-0" is permitted;
 - vii. ninety tandem parking spaces in the garages where 180 parking spaces would be required (allow for tandem parking spaces to count as two spaces);
 - viii. a 9'-6" high retaining wall in the rear yard where 6'-0" is permitted.
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities;
- f. Recreational facilities and open space areas as shown on Exhibit "A"; and
- g. 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. All conditions of Vesting Tentative Map No. 116063 shall apply to this Permit.
2. 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.

3. 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.

4. 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.

5. 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.

6. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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" 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.

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

11. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disabilities Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

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 the Progress Guide and General Plan/Community Plan Amendment, Rezone, Vesting Tentative Map, Easement Vacation and Planned Development Permit No. 116033, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 40767 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 No. 40767 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:

Paleontological and Archaeological Resources

15. Prior to the 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 the permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City’s Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

LANDSCAPE REQUIREMENTS:

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

18. Prior to issuance of any grading permits, construction documents for the revegetation and the hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Exhibit "A."

19. 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 include a Street Tree Location Plan, which identifies a station point for each street tree location that takes into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

20. In the event that the Landscape Plan and the Site Plan conflict, the Landscape Plan shall prevail.

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

22. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections.

23. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be sustained in a safe manner to allow each tree to grow to its mature height and spread.

24. 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:

25. No fewer than ninety tandem garage spaces and twenty-three surface 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations.

31. 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.

32. The applicant shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.

33. 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.

34. 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.

35. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

36. 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.

37. 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 DEVELOPMENT REQUIREMENTS:

38. 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.

GEOLOGY REQUIREMENTS:

39. 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.

40. 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.

WASTEWATER REQUIREMENTS:

41. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
42. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
43. The 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. In addition, the developer shall submit calculations, satisfactory to the Director of the Metropolitan Wastewater Department, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.
44. The developer shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.

WATER REQUIREMENTS:

45. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of two public 12-inch parallel water mains in private driveway "A" from 54th Street to private drive "B" and an onsite 12-inch in diameter looped public water system, in a manner satisfactory to the Director of the Water Department and the City Engineer.
46. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of the Water Department and the City Engineer.
47. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of the Water Department, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
48. 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.

49. 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.

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 October 25, 2005, by Resolution No. R-300983.

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.

NORTH PARK APOSTOLIC CHURCH
Owner

By _____

CHAMPLAIN ASSOCIATES, LLC
Permittee

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04