

RESOLUTION NUMBER R-301089

ADOPTED ON NOVEMBER 29, 2005

WHEREAS, Avalon Property Development, Inc., Owner/Permittee, filed an application with the City of San Diego for a site development permit to demolish existing residential structures and develop sixteen residential units as condominiums with forty-two subterranean parking spaces to be known as the Banker's Hill Townhomes project, located at 2561 First Avenue, and legally described as Lots "A," "B," "C," and "D," Block 287 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling on file in the Office of the County Recorder of San Diego, in the Mid-Cities Communities Plan District within the Uptown Community Plan area, in the NP-3 zone which is proposed to be rezoned to the NP-1 zone; and

WHEREAS, on August 12, 2004, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 10143, and pursuant to Resolution No. 3498-PC voted to recommend City Council approval of the Permit; and

WHEREAS, on December 9, 2004, the project (as originally proposed) was before the City Council requesting an override vote and subsequently seeking approval of the General/Community Plan Amendment, Rezone, Planned Development Permit and Tentative Map; and

WHEREAS, after staff presentation and public testimony, a motion to override the Airport Authority determination failed to garner the required two-thirds vote, and therefore the development project was not considered; and

WHEREAS, the project has been redesigned to avoid any encroachment into the airport approach path buffer by reducing the number of units from nineteen to sixteen and incrementally stepping the building back from the buffer zone; and

WHEREAS, the revised plans have been reviewed by the City staff and on September 8, 2005, the Airport Land Use Commission found the redesigned project to be "consistent" with the San Diego International Airport [SDIA] Comprehensive Land Use Plan; and

WHEREAS, the matter was set for public hearing on November 29, 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 Site Development Permit No. 10143:

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

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The project site is within the Uptown Community Planning Area and designated for Office Use with Medium Residential Density. The project proposes a General Plan and Community Plan Amendment to increase the residential density from medium to medium-high and a Rezone to change the underlying zone from NP-3 to NP-1. The development of the 0.46-acre site with sixteen dwelling units and subterranean parking would be consistent with the proposed Plan Amendment and Rezone by providing a residential project with a density of 29-44 dwelling units per acre.

The proposed development would implement the goals and recommendations of the Progress Guide and General Plan Strategic Framework Element and the Transit-Oriented Development Guidelines by providing new residential development that contributes to increased walkability and the provision of housing opportunities in close proximity to local employment centers as well as along transit corridors. The proposed development would also implement the goals and recommendations of the Uptown Community Plan Residential Element by concentrating medium to high-density residential development adjacent to commercial corridors and near transit and higher volume traffic corridors. The proposed project would be compatible with the existing development in the surrounding area and consistent with

the future development densities prescribed in the Uptown Community Plan. The proposed development complies with the Plan's Urban Design Guidelines by providing attractive, high quality design utilizing building mass, off-setting planes and varied finish materials to convey the appropriate bulk and scale of the building as it relates to the surrounding neighborhood. Therefore, the proposed development would not adversely affect the Progress Guide and General Plan or the Uptown Community Plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development of sixteen new residential units and forty-two subterranean parking spaces within the Uptown community would provide additional housing opportunities and contribute to the revitalization of the neighborhood. The design of the project would be consistent with the community plan and comply with the purpose and intent of the Mid-City Communities Plan District Ordinance. The project would activate the pedestrian activity along the street by providing a traditional brownstone walk up design with entry stoops and yard areas at the street level. The project would eliminate two existing curb cuts and access and egress the proposed garage from a single point. The project would provide visual interest through the use of a contemporary style utilizing off-setting planes, building articulation, varied roof lines and a variety of natural finish materials. The proposed development includes a Mitigation, Monitoring and Reporting Program designed to protect, preserve and, if applicable, curate any archeological and paleontological resources unearthed during grading activities. The development would be designed and constructed in accordance with all applicable building codes. Therefore, the proposed development would provide an aesthetic, well designed residential project that would not be detrimental to the public's health, safety and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The project proposes a Rezone to change the underlying NP-3 zone to the NP-1 zone of the Mid-City Communities Planned District Ordinance that would allow for a high density residential project. The proposed design of the project would comply with all of the development regulations of the requested underlying zone with the exception of minor encroachments into the street, rear and side yard setbacks. The requested three foot encroachments into the street and rear yard setbacks are intended to provide additional off-setting planes and building articulation that effectively break up the massing of the five-story structure. The requested deviations are considered minor as the majority of the building (66 percent) observes the required setbacks at the front and rear, and the encroachment is only three feet into the setback. The requested deviation into the side yard would allow for the placement of a pedestrian gate that adds visual interest to the street and ties the entry element to the building. The Mid-City Planned District Ordinance allows for deviations to the development regulations with a Site Development Permit. Staff has considered the requested deviations and determined that the encroachments into the required setbacks are minor and that the project is consistent with the purpose and intent of the NP-1 zone by providing a high density residential project with an attractive street environment that relates in scale and design to the surrounding area. Therefore, the proposed development would comply with the applicable regulations of the Land Development Code.

**B. MID-CITY COMMUNITIES DEVELOPMENT PERMIT SDMC
SECTION 103.1504(h)(1)(D)**

a. The proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Uptown Community Plan. The proposed project is consistent with the goals and recommendations for residential development within the Uptown Community Plan. If approved, the proposed Community Plan Amendment and Rezone would convert the existing 0.46-acre parcel to office use with a medium-high residential density. The proposed structure would incorporate the objectives of the Urban Design Element with the use of off setting planes, building articulation, varied exterior building materials and pedestrian interest at the street level. The proposed use of the site is consistent with the purpose and intent of the Mid-City Communities Planned District in that the project provides an appropriately located, high quality, attractive residential project. The proposed use and design would be compatible with the existing and current development occurring within the Uptown neighborhood. The development would enhance the level and quality of pedestrian activity in the community and would be compatible in bulk, scale and design with the pattern of the existing neighborhood. The proposed development incorporates street friendly design with active pedestrian areas including walk up entries atop stoops and private yards at the street level. The project would provide new landscape materials including street trees along the First Avenue and Maple Street. Therefore, the proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Uptown Community Plan.

b. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible. The proposed scale and design of the project is compatible with the existing neighborhood and consistent with the development pattern occurring within the Uptown community. The use of the site as a higher density residential land use would be consistent with the Uptown Community Plan if the proposed Community Plan Amendment and Rezone were approved. The proposed development would be compatible with existing and planned land use on adjoining properties that include residential, office and mixed use development and would not constitute a disruptive element to the neighborhood and community. The scale and design of the project would be consistent with both the residential and commercial uses of the adjacent parcels along First Avenue, Maple Street and with development occurring along major north/south corridors within the area. The project provides a contemporary design utilizing off-setting planes and articulation wherever possible with a combination of natural stone, glass and stucco exteriors with steel accents. The project design and landscape treatment would enhance the streetscape and strengthen the pedestrian environment along First Avenue. Therefore, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible.

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 properties in the vicinity. The proposed project to develop the property with sixteen residential units and a subterranean

parking structure has been designed and conditioned in compliance with the City of San Diego's Land Development Code. The proposed development would redevelop existing lots in the community and assist in revitalizing the area. The new structure would visually enhance the neighborhood with a contemporary architectural style including facade enhancements, exterior finishes and provide enhanced landscape along the street frontage and in the public right-of-way. The project would provide increased home ownership opportunities in the Uptown community within a high density, transit-oriented neighborhood. The project has been conditioned to comply with all applicable Federal, State and Municipal development regulations. Approval of the proposed development includes a Mitigation, Monitoring and Reporting Program to preserve potential cultural resources on the site. The proposed development would visually enhance the site and would not adversely affect property value in the neighborhood.

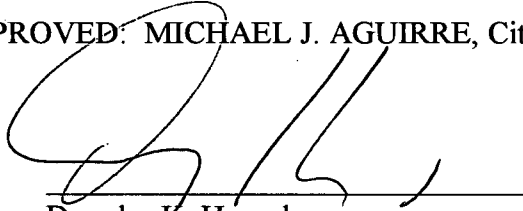
d. Adequate Public Facilities (Park deficient neighborhoods). The development is not located in a park deficient neighborhood, therefore, this finding does not apply to this project.

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 Site Development Permit No. 10143 is granted to Avalon Property Development, Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
02/14/06
Or.Dept:Clerk
R-2006-551
MMS #2721

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 410930

SITE DEVELOPMENT PERMIT NO. 10143
BANKER'S HILL TOWNHOMES
CITY COUNCIL

This site development permit is granted by the Council of the City of San Diego to Avalon Property Development, Inc., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.46-acre site is located at 2561 First Avenue in the NP-3 zone (proposed NP-1 zone) of the Mid-City Communities Planned District within the Uptown Community Planning Area. The project site is legally described as Lots "A," "B," "C," and "D," Block No. 287 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling on file in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing buildings and construct a 16-unit residential building (5-stories above underground parking), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated November 29, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. A 40,250 square-foot, 5-story, 16-unit condominium project over a 14,695 square-foot, 42-space subterranean parking structure;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Deviations permitted by Site Development Permit No. 10143 include
 - 1) a 7'-0" street yard setback for not more than 19'-0" linear feet of building plane where 10'-0" is required;
 - 2) a 12'-0" rear yard setback for not more than 19'-0" linear feet of building plane where 15'-0" is required;

- 3) a 0'-0" side yard setback for a gate element not to exceed 64 square-feet; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA

and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The 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.

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

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

In the event that any condition of this Permit, on a legal challenge by the 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.

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

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

15. As conditions of Site Development Permit No. 10143 and Tentative Map No. 10144, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 5606 shall be noted on the construction plans and specifications under the heading MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 5606 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:

- Historical (archeological) Resources
- Paleontological Resources

17. The MMRP shall require a deposit of \$1,000.00 to be collected prior to the issuance of grading permits to cover the City's costs associated with implementation of the MMRP.

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

AFFORDABLE HOUSING REQUIREMENTS:

19. 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:

20. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial

conformance with Exhibit "A." No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

21. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

22. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

23. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

24. 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.

25. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

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

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

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

29. Prior to the recordation of the (parcel/final map), the subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements in accordance with the Landscape Standards, Exhibit "A" and to the satisfaction of the City Manager.

30. Prior to the recordation of the (parcel/final map), the Permittee or subsequent Owner/Developer shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the (parcel/final map).

PLANNING/DESIGN REQUIREMENTS:

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

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. Prior to the recording of this Permit, the applicant shall grant to the Airport Authority an avigation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement. A copy of the avigation easement shall be attached to this Permit when the Permit has been signed and notarized and is returned to the Office of the Development Services Department for recording with the County Recorder.

38. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement.

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

40. 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.

41. 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.

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

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

44. 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 structure whose top and sides may include grillwork, louvers, and latticework.

45. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

WASTEWATER REQUIREMENTS:

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

47. All proposed private sewer facilities located within a single lot will be designed to meet the requirements of the California Uniform Plumbing Code.

48. The developer shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each dwelling unit will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one unit.

WATER REQUIREMENTS:

49. 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 in a manner satisfactory to the Director of the Water Department and the City Engineer.

50. 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.

51. 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 November 29, 2005 by
Resolution No. R-301089.

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.

Avalon Property Development, Inc.
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04