

RESOLUTION NUMBER R- 301428

DATE OF FINAL PASSAGE MAY 8, 2006

WHEREAS, Carter Reese No. 15A, L.P., A California Limited Partnership and Catoctin Properties, LLC, Owners and Carter Reese No. 15A, L.P., A California Limited Partnership, Permittee, filed an application with the City of San Diego for Planned Development Permit (Amending Planned Development Permit No. 93412)/Site Development Permit (amending Site Development Permit No. 93413) to add twenty-six town-home units and seven single-family homes (Phase II) to an existing and approved 52-unit development (Phase I) known as the Mesa Commons project, located at 4883, 4905, and 4915 Catoctin Drive (Phase II), and 6456 El Cajon Boulevard (Phase I), and legally described as all of Lots 8, 9, 10, and 11, together with that portion of Lot 3 excepting therefrom the west 8 feet and excepting therefrom that portion conveyed to the State of California by Deed recorded May 6, 1953 in Book 4846, Page 156 of Official Records, and together with that portion of Lot 4 excepting therefrom that portion described as follows: beginning at the southeast corner of said Lot 4; thence southwesterly along the southerly line of said Lot 4, 45.87 feet; thence northerly and parallel with the westerly line of said Lot 4, 100 feet; thence northerly to a point on the northerly line of said Lot 4, 100 feet westerly of the northeast corner of said Lot 4; thence easterly along the northerly line of said Lot 4 to the northeast corner of said Lot 4; thence in a southerly direction along the east line of said Lot 4 to the point of beginning; also excepting from said Lot 4 that portion lying southeasterly of the following described line: beginning at a point on the southwesterly line of said Lot 4, distant thereon South 42°08'12" East 263.82 feet from a ¾ inch iron pipe, by a post, set for the most westerly corner of said Lot 4; thence leaving said southwesterly line North 42°40'30" East, 25.20 feet to a point which bears North 47°19'30" West 50.00 feet from Engineer's Station 326 plus

39.96 B.C., on the center line of the Department of Public Works Survey made in 1951 along El Cajon Boulevard, between Esther Street and the East City Limits of San Diego, Road XI-SD-12-SD; thence along a line concentric with and distant fifty feet northwesterly, radially from the center line of said survey, along a tangent curve to the right with a radius of 950 feet, through an angle of 16°05'07", a distance of 266.70 feet to a point on the southwesterly prolongation of the northwesterly line of Lot 33 of Metropolitan Center, according to Map thereof No. 2085, on file in County Recorders Office, distant along said northwesterly line and the southwesterly prolongation thereof South 31°22'25" West 131.76 feet from a one-half inch iron pipe (bent) with tag marked "L.S. 2317" set for the most northerly corner of said Lot 33 of Metropolitan Center; all of Alvarado Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1634, filed in the Office of the County Recorder of San Diego County, May 6, 1914, in the College Area Community Plan, the Crossroads Redevelopment Project Area, in the RS-1-7 zone (proposed to be rezoned to RM-1-2), the RM-1-2 zone, the CU-2-3 zone of the Central Urbanized Planned District, and the Campus Impact Area of the Parking Impact Overlay Zone; and

WHEREAS, on March 30, 2006, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 261644 and Site Development Permit [SDP] No. 312203, and pursuant to Resolution No. 3986-PC voted to recommend City Council approval of the permits; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the matter was set for public hearing on May 8, 2006, 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 PDP No. 261644/SDP No. 312203:

A. **PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE**
[SDMC] SECTION 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The Mesa Commons II project proposes to amend an approved 52-unit development on 2.12 acres (Mesa Commons I) by adding thirty-three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings) totaling 53,310 square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

Mesa Commons II would also include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption; fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

The additional 1.96-acre site is currently designated as Residential, 1 to 10 dwelling units per acre in the College Area Community Plan. As part of this application, the applicant is proposing to amend the land use designation to Low-Medium Density Residential, 10 to 15 dwelling units per acre to allow for the proposed thirty-three additional units.

The overall residential goal of the College Area Community Plan is to maintain the predominately single-family character of the community. The Urban Element of the community plan further supplements this goal by recommending that new development of vacant lots or redevelopment should be compatible with the scale and character of the surrounding development. The proposed project would implement this recommendation by proposing twenty six rowhome units within the rear of the project, while locating seven single-family, detached units along Catocin Drive. These seven units would maintain the single-family character of the neighborhood while at the same time prevent the rowhome units from dominating the view along the residential street.

Due to a lack of park and recreational facilities in the community, the Housing Element of the community plan recommends that new multi-family residential projects provide a variety of on-site recreational facilities. In addition to being located next to the 1.56-acre Montezuma

Neighborhood Park, the proposed project would provide private rear yards for both the single-family detached and rowhome units, as well as direct pedestrian access to the adjacent neighborhood park. Additionally, a common open space area containing seating would also be provided for passive recreational opportunities.

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. Therefore the proposed development 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 Mesa Commons II project proposes to amend an approved 52-units development on 2.12 acres (Mesa Commons I) by adding thirty-three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings) totaling 53,310 square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

Mesa Commons II would also include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption; fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

The project required the preparation of an environmental Initial Study to identify the potential for significant environmental impacts which could be associated with the project pursuant to Section 15063 of the State California Environmental Quality Act [CEQA] Guidelines. Based upon the Initial Study staff found that there is no substantial evidence that the project would have a significant effect on the environment and therefore, determined that an Addendum to Negative Declaration No. 33812 (Mesa Commons I) was the appropriate environmental document for the project. Addendum to Negative Declaration No. 33812 has been completed in compliance with CEQA.

The College Area community is served by the Mid-City Division substation located at 4310 Landis Street in City Heights with a current response time of six minutes. A local satellite office is also located at 3905 Adams Avenue. There is currently no police substation or community relations office within the boundaries of the community. The community is also served in part by the University Police who are responsible for public safety on campus and who work closely with the San Diego Police Department in monitoring off-campus student activities.

According to the Police Department, staff is available to service the proposed project without impacting current response times.

According to the Public Facilities Element of the plan, existing fire protection facilities are in place to service needs of the College Area population. Fire Station 17, located at 4206 Chamoune Avenue which is approximately 2.5 miles from the project site and Fire Station No. 10 located at 4605 62nd Street which is approximately a half mile from the project site provide the necessary fire protection for the community. Fire Station No. 10 has an emergency response time of approximately four minutes. The principal fire threat in the community is from brush fire in the surrounding canyons. Fire Station No. 10 is equipped with a brush rig vehicle which is adequate for dealing with uneven terrain and used in situations where access is a problem and fire hydrants are limited or non-existent.

The permit prepared 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, as determined by the decision-maker, are intended to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.

The project would comply with the development regulations in effect for the subject property as well as other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code. The proposed development would be required to obtain Building Permits to show that all construction will comply with all applicable Building and Fire Code requirements. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The Mesa Commons II project proposes to amend an approved 52-units development on 2.12 acres (Mesa Commons I) by adding thirty-three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings) totaling 53,310 square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

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The SDMC allows flexibility in the application of development regulations (deviations) for developments where strict application of the base zone development regulations would restrict design options and result in a less desirable project, through the processing of a Planned Development Permit. The intent of the Planned Development Permit regulations is to accommodate, to the greatest extent possible, an equitable balance of development types,

intensities, styles, site constraints, project amenities, public improvements, and community and City benefits.

The project proposes to deviate from the SDMC requirements for parking, height, setbacks, and the length of the required building façade. Staff believes that the City Council can make the appropriate findings based on the following information.

Parking Deviations

Request for 8-foot long driveways for the seven single-family homes where the SDMC requires 20 feet.

The deviation is requested in order to provide larger interior living areas of the units and is not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed driveway length deviation would accommodate a single-family detached product within the Mesa Commons II project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating superior circulation within the interior of the project. By maintaining strict conformance with the 20-foot long driveway requirement, the proposed rowhomes on site could not be as easily facilitated.

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces.

The project is proposing to provide fourteen parking spaces within the seven proposed two-car garages. Per Land Development Code [LDC] section 142.0520, the fourteen additional parking spaces may be provided on-street, abutting the subject property, and the applicant has designed their driveway configuration to allow for the parking of a vehicle on the street in front of six of the seven single-family homes.

Of the fourteen additional parking spaces required, the project proposes to provide one on-site space in the interior of the project, six on-street parking spaces along the front of the seven single-family homes (on the south side of Catoctin Drive), and seven parking spaces (via a deviation) on the north side of Catoctin Drive, along the Language Academy frontage, or on the south side of Catoctin Drive along the park frontage to the east of the subject site.

The parking in front of the Language Academy is restricted to buses on school days, between the hours of 7:00 AM and 4:00 PM. The peak parking demand for the single-family homes would occur before 7:00 AM and after 4:00 PM and outside the hours of peak demand for the Language Academy.

Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for this deviation.

Request for 8-foot setbacks for the seven single-family homes where the San Diego Municipal Code requires a standard setback of 20 feet and a minimum setback of 15 feet.

The deviation is requested in order to provide larger interior living areas of the units and is not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed front setback deviation will accommodate a single-family detached product within the Mesa Commons project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating superior circulation within the interior of the project. By maintaining strict conformance with the front-yard setback requirement, the proposed rowhomes on site could not be as easily facilitated.

The single unit lots as proposed are appropriate for the location as the project site is surrounded by multiple land uses, including Montezuma Neighborhood Park to the east, high-density residential and commercial uses to the south, and the Language Academy to the north. Aesthetically, the 8-foot setback will preserve a front yard for the new units similar to older single-family housing stock in the area. At the same time, the existing mix of land uses immediately surrounding the site allow for smaller front yards to blend with the nearby development pattern. In order to retain the proposed number of units on-site, the applicant requested, and staff supports deviations to the project's setback requirements.

Request to provide three parking spaces per single-family home (two spaces in each home's garage, six spaces on the street fronting the residence, and one space within the project) where the SDMC requires that single dwelling units that do not provide a driveway at least 20 feet long shall provide two additional parking spaces.

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty eight parking spaces.

The project is proposing to provide fourteen parking spaces within the seven proposed 2-car garages. Per LDC section 142.0520, the fourteen additional parking spaces may be provided on-street, abutting the subject property, and the applicant has designed their driveway configuration to allow for the parking of a vehicle on the street in front of six of the seven single-family homes.

Of the fourteen additional parking spaces required, the project proposes to provide one on-site space in the interior of the project, six on-street parking spaces along the front of the seven single-family homes (on the south side of Catoctin Drive), and seven parking spaces (via a deviation) on the north side of Catoctin Drive, along the Language Academy frontage, or on the south side of Catoctin Drive along the park frontage to the east of the subject site.

The parking in front of the Language Academy is restricted to buses on school days, between the hours of 7:00 AM and 4:00 PM. The peak parking demand for the single-family homes would occur before 7:00 AM and after 4:00 PM and outside the hours of peak demand for the Language Academy.

Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for this deviation.

Request to provide a total of eighty-six vehicle parking spaces when the SDMC requires ninety-three spaces.

The addition of the Mesa Commons II site to the previously approved Mesa Commons I project resulted in a loss of six parking spaces from Mesa Commons I. The Mesa Commons II project incorporates a reconfiguration of the parking which results in the replacement of the six lost spaces. When the parking requirement for both the single-family units (twenty-eight spaces) and the rowhomes (fifty-nine spaces) is combined with the six Mesa Commons I replacement spaces, the overall parking requirement is for ninety three spaces. The project is requesting a deviation to provide eighty-six spaces (twenty-one spaces for the single-family homes, fifty-nine spaces for the rowhomes, and six replacement spaces).

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces. As described above, for the single-family units the project would provide fourteen spaces in 2-car garages, six on-street spaces fronting the single-family units along Catocin Drive, one space within the interior of the development, and seven spaces either fronting the Language Academy or the adjacent Montezuma Park.

The parking requirement for the multi-family component of this development consisting of twenty-six 3-bedroom units (2.25 spaces per unit) is fifty-nine off-street parking spaces of which one space is an accessible parking space and two motorcycle spaces. The project is proposing to provide the required fifty-nine parking spaces on-site (fifty-two spaces within twenty-six 2-car garages and seven guest parking spaces) of which one space is an accessible parking space and two motorcycle spaces. In addition, six guest parking spaces are provided on-site to replace the six parking spaces (part of the required parking for the approved Mesa Commons I) lost as a result of the reconfiguration of the access point linking Mesa Commons I to Mesa Commons II.

The seven parking spaces for the single-family homes that the project proposes to provide in front of the Language Academy and/or Montezuma Park trigger the requested deviation. Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for the parking deviation.

Height - The Maximum height allowed in the RM-1-2 zone is 30 feet. The project is designed with a building height of 37 feet, 8 inches for the rowhomes and 30 feet, 10 inches for three of the seven single-family homes. The measurement of 37 feet, 8 inches for the rowhomes applies to the top of the chimney for each of the proposed rowhome units. The addition of the interior fireplace with each rowhome unit allows for a more desirable product type. Alternatively, the height measured to top of structure roof is thirty feet, four inches, closer to the maximum height allowed.

The applicant intentionally located the rowhome product within the interior of the project to maximize the visual prominence of the single-family product proposed on the frontage of Catoctin Drive. The rowhomes would not be directly visible from Catoctin Drive and as a result, would minimize any potential negative impact created by the height deviation.

A height deviation is also requested for the single-family homes proposed for Catoctin Drive. Although the height for these homes is 30 feet, 10 inches as measured to the top of chimney, no single-family structure (as measured to top of roof) exceeds 28 feet. This minor height deviation allows for the inclusion of an interior fireplace and corresponding chimney for each unit. These amenities would result in a more desirable product.

Approving the requested height deviations would allow for additional architectural details, such as a chimney and expanded interior ceiling heights that would not be present if structure height were limited to 30 feet. Therefore, staff recommends approval of the requested height deviations.

Setbacks – The project’s single-family product type (on Parcel One) is designed with a rear yard setback that ranges from 10 to 15 feet, when the RM 1-2 zone requires a rear yard setback of 15 feet. The project’s single-family product type (on Parcel One) and rowhome product type (on Parcel Two) are designed with a 5-foot side yard setback, when the RM 1-2 zone requires a standard side yard setback of 8 feet and a minimum side yard setback of 5 feet. The project’s single-family product type (on Parcel One) is designed with an 8-foot front yard setback when the RM 1-2 zone requires a standard front yard setback of 20 feet, with a minimum front-yard setback of 15 feet.

The deviations are requested in order to provide larger interior living areas of the units and are not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed setbacks deviations on Parcel One will accommodate a single-family detached product within the Mesa Commons project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating circulation within the interior of the project. By maintaining strict conformance with the front yard setback requirement, the proposed rowhomes on site could not be as easily facilitated. In order to retain the proposed number of units on-site, the applicant requested, and staff supports deviations to the project’s setback requirements.

Building Façade - The seven single-family homes on Parcel One deviate from the requirement of maintaining 40 percent of the length of the building façade dedicated to habitable area, in that 9 feet is proposed where 12 feet is required for the 30-foot-wide units.

The proposed deviation is requested due to the limited area of frontage along Catoctin Drive and allows for (1) greater side yards for each unit, and (2) the development of additional homes in a time when the City is experiencing a housing shortage. The additional side yard gained from

minimizing the length of the building façade would be greater enhanced through the 5-foot side yard access easements present for six of the seven units. These will result in ultimately larger lots for each home and additional yard space for future residents. In addition, architectural detailing, meant to emphasize the varied roof levels, offsetting planes and mixed building materials, would offset the reduced front building facade.

The deviation allows for additional single-family detached homes in a community where few have been built in recent years. Per the applicant's correspondence with the community, provision of this type of housing is vital in order to maintain quiet, family-oriented neighborhoods. Therefore, staff supports the requested building façade deviation.

Each of the requested deviations are appropriate for this location and would 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 development has otherwise been designed and conditioned to ensure conformance to the requirements of the LDC. Therefore, the proposed use will comply with the applicable regulations of the SDMC in effect for this site.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Mesa Commons II project proposes to amend an approved 52-units development on 2.12 acres (Mesa Commons I) by adding thirty-three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings) totaling 53,310 square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

Mesa Commons II would also include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption; fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

In general, the College Area Planning Community has not experienced new single-family housing development for several decades. Phase II of the Mesa Commons project would introduce thirty three new homeownership opportunities for the community on a desirable site with proximity to schools, parks and the new Rolando Public Library.

The new homes proposed would offer three bedrooms, three baths, individual garages, private yards and a range of 1,600-1,750 square feet of living space. The mix of product types with detached single-family homes and rowhomes would be attractive to both single person families and larger, more traditional four person families. Therefore, proposed development, when considered as a whole, will be beneficial to the community.

5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The Mesa Commons II project proposes to amend an approved 52-units

development on 2.12 acres (Mesa Commons I) by adding thirty-three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings) totaling 53,310 square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

Mesa Commons II would also include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption; fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

The SDMC allows flexibility in the application of development regulations (deviations) for sustainable developments where strict application of the base zone development regulations would restrict design options and result in a less desirable project, through the processing of a Planned Development Permit. The intent of the Planned Development Permit regulations is to accommodate, to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits.

The project proposes to deviate from the SDMC requirements for parking, height, setbacks, and the length of the required building façade. Staff believes that the City Council can make the appropriate findings based on the following information

Parking Deviations

Request for 8-foot long driveways for the seven single-family homes where the San Diego Municipal Code requires 20 feet.

The deviation is requested in order to provide larger interior living areas of the units and is not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed driveway length deviation would accommodate a single-family detached product within the Mesa Commons II project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating superior circulation within the interior of the project. By maintaining strict conformance with the 20-foot long driveway requirement, the proposed rowhomes on site could not be as easily facilitated.

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces.

The project is proposing to provide fourteen parking spaces within the seven proposed two-car garages. Per LDC section 142.0520, the fourteen additional parking spaces may be provided on-street, abutting the subject property, and the applicant has designed their

driveway configuration to allow for the parking of a vehicle on the street in front of six of the seven single-family homes.

Of the fourteen additional parking spaces required, the project proposes to provide one on-site space in the interior of the project, six on-street parking spaces along the front of the seven single-family homes (on the south side of Catoctin Drive), and seven parking spaces (via a deviation) on the north side of Catoctin Drive, along the Language Academy frontage, or on the south side of Catoctin Drive along the park frontage to the east of the subject site.

The parking in front of the Language Academy is restricted to buses on school days, between the hours of 7:00 AM and 4:00 PM. The peak parking demand for the single-family homes would occur before 7:00 AM and after 4:00 PM and outside the hours of peak demand for the Language Academy.

Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for this deviation.

Request for 8-foot setbacks for the seven single-family homes where the SDMC requires a standard setback of 20 feet and a minimum setback of 15 feet.

The deviation is requested in order to provide larger interior living areas of the units and is not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed front setback deviation will accommodate a single-family detached product within the Mesa Commons project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating superior circulation within the interior of the project. By maintaining strict conformance with the front-yard setback requirement, the proposed rowhomes on site could not be as easily facilitated.

The single unit lots as proposed are appropriate for the location as the project site is surrounded by multiple land uses, including Montezuma Neighborhood Park to the east, high-density residential and commercial uses to the south, and the Language Academy to the north. Aesthetically, the 8-foot setback will preserve a front yard for the new units similar to older single-family housing stock in the area. At the same time, the existing mix of land uses immediately surrounding the site allow for smaller front yards to blend with the nearby development pattern. In order to retain the proposed number of units on-site, the applicant requested, and staff supports deviations to the project's setback requirements.

Request to provide three parking spaces per single-family home (two spaces in each home's garage, six spaces on the street fronting the residence, and one space within the project) where the SDMC requires that single dwelling units that do not provide a driveway at least 20 feet long shall provide two additional parking spaces.

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking

spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces.

The project is proposing to provide fourteen parking spaces within the seven proposed two-car garages. Per LDC section 142.0520, the fourteen additional parking spaces may be provided on-street, abutting the subject property, and the applicant has designed their driveway configuration to allow for the parking of a vehicle on the street in front of six of the seven single-family homes.

Of the fourteen additional parking spaces required, the project proposes to provide one on-site space in the interior of the project, six on-street parking spaces along the front of the seven single-family homes (on the south side of Catoctin Drive), and seven parking spaces (via a deviation) on the north side of Catoctin Drive, along the Language Academy frontage, or on the south side of Catoctin Drive along the park frontage to the east of the subject site.

The parking in front of the Language Academy is restricted to buses on school days, between the hours of 7:00 AM and 4:00 PM. The peak parking demand for the single-family homes would occur before 7:00 AM and after 4:00 PM and outside the hours of peak demand for the Language Academy.

Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for this deviation.

Request to provide a total of eighty-six vehicle parking spaces when the SDMC requires ninety-three spaces.

When the parking requirement for both the single-family units (twenty-eight spaces) and the rowhomes (fifty-nine spaces) is combined with the Mesa Commons I replacement spaces required due to the reconfiguration of the projects' access point (six spaces) the overall parking requirement is for ninety-three spaces. The project is requesting a deviation to provide eighty-six spaces (twenty-one spaces for the single-family homes, fifty-nine spaces for the rowhomes, and six replacement spaces).

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces. As described above, for the single-family units the project would provide fourteen spaces in 2-car garages, six on-street spaces fronting the single-family units along Catoctin Drive, one space within the interior of the development, and seven spaces either fronting the Language Academy or the adjacent Montezuma Park.

The parking requirement for the multi-family component of this development consisting of twenty-six 3-bedroom units (2.25 spaces per unit) is fifty-nine off-street parking spaces of which one space is an accessible parking space and two motorcycle spaces. The project is proposing to provide the required fifty-nine parking spaces on-site (fifty-two spaces within twenty-six 2-car garages and seven guest parking spaces) of which one

space is an accessible parking space and two motorcycle spaces. In addition, six guest parking spaces are provided on-site to replace the six parking spaces (part of the required parking for the approved Mesa Commons I) lost as a result of the reconfiguration of the access point linking Mesa Commons I to Mesa Commons II.

The seven parking spaces for the single-family homes that the project proposes to provide in front of the Language Academy and/or Montezuma Park trigger the requested deviation. Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for the parking deviation.

Height - The Maximum height allowed in the RM-1-2 zone is 30 feet. The project is designed with a building height of 37 feet, 8 inches for the rowhomes and 30 feet, 10 inches for three of the seven single-family homes. The measurement of 37 feet, 8 inches for the rowhomes applies to the top of the chimney for each of the proposed rowhome units. The addition of the interior fireplace with each rowhome unit allows for a more desirable product type. Alternatively, the height measured to top of structure roof is 34 feet, 4 inches, closer to the maximum height allowed.

The applicant intentionally located the rowhome product within the interior of the project to maximize the visual prominence of the single-family product proposed on the frontage of Catoctin Drive. The rowhomes would not be directly visible from Catoctin Drive and as a result, would minimize any potential negative impact created by the height deviation.

A height deviation is also requested for the single-family homes proposed for Catoctin Drive. Although the height for these homes is 30 feet, 10 inches as measured to the top of chimney, no single-family structure (as measured to top of roof) exceeds 28 feet. This minor height deviation allows for the inclusion of an interior fireplace and corresponding chimney for each unit. These amenities would result in a more desirable product.

Approving the requested height deviations would allow for additional architectural details, such as a chimney and expanded interior ceiling heights that would not be present if structure height were limited to thirty feet. Therefore, staff recommends approval of the requested height deviations.

Setbacks – The project's single-family product type (on Parcel One) is designed with a rear yard setback that ranges from 10 to 15 feet, when the RM 1-2 zone requires a rear yard setback of 15 feet. The project's single family product type (on Parcel One) and rowhome product type (on Parcel Two) are designed with a 5-foot side yard setback, when the RM 1-2 zone requires a standard side yard setback of 8 feet and a minimum side yard setback of 5 feet. The project's single-family product type (on Parcel One) is designed with an 8-foot front-yard setback when the RM 1-2 zone requires a standard front-yard setback of 20 feet, with a minimum front-yard setback of 15 feet.

The deviations are requested in order to provide larger interior living areas of the units and are not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed setbacks deviations on Parcel One will accommodate a single-family detached product within the Mesa Commons project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating circulation within the interior of the project. By maintaining strict conformance with the front yard setback requirement, the proposed rowhomes on site could not be as easily facilitated. In order to retain the proposed number of units on-site, the applicant requested, and staff supports deviations to the project's setback requirements.

Building Façade - The seven single-family homes on Parcel One deviate from the requirement of maintaining 40 percent of the length of the building façade dedicated to habitable area, in that 9 feet is proposed where 12 feet is required for the 30-foot-wide units.

The proposed deviation is requested due to the limited area of frontage along Catoctin Drive and allows for (1) greater side yards for each unit, and (2) the development of additional homes in a time when the City is experiencing a housing shortage. The additional side yard gained from minimizing the length of the building façade would be greater enhanced through the 5-foot side yard access easements present for six of the seven units. These will result in ultimately larger lots for each home and additional yard space for future residents. In addition, architectural detailing, meant to emphasize the varied roof levels, offsetting planes and mixed building materials, would offset the reduced front building façade.

The deviation allows for additional single-family detached homes in a community where few have been built in recent years. Per the applicant's correspondence with the community, provision of this type of housing is vital in order to maintain quiet, family-oriented neighborhoods. Therefore, staff supports the requested building façade deviation.

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

B. 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 Mesa Commons II project proposes to amend an approved 52-units development on 2.12 acres (Mesa Commons I) by adding thirty-three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings) totaling 53,310 square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

Mesa Commons II would also include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption; fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

The additional 1.96-acre site is currently designated as Residential, 1 to 10 dwelling units per acre in the College Area Community Plan. As part of this application, the applicant is proposing to amend the land use designation to Low-Medium Density Residential, 10 to 15 dwelling units per acre to allow for the proposed thirty-three additional units.

The overall residential goal of the College Area Community Plan is to maintain the predominately single-family character of the community. The Urban Element of the community plan further supplements this goal by recommending that new development of vacant lots or redevelopment should be compatible with the scale and character of the surrounding development. The proposed project would implement this recommendation by proposing twenty-six rowhome units within the rear of the project, while locating seven single-family, detached units along Catoctin Drive. These seven units would maintain the single-family character of the neighborhood while at the same time prevent the rowhome units from dominating the view along the residential street.

Due to a lack of park and recreational facilities in the community, the Housing Element of the community plan recommends that new multi-family residential projects provide a variety of on-site recreational facilities. In addition to being located next to the 1.56-acre Montezuma Neighborhood Park, the proposed project would provide private rear yards for both the single-family detached and rowhome units, as well as direct pedestrian access to the adjacent neighborhood park. Additionally, a common open space area containing seating would also be provided for passive recreational opportunities.

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. Therefore the proposed development would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The Mesa Commons II project proposes to amend an approved 52-unit development on 2.12 acres (Mesa Commons I) by adding thirty-three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings) totaling 53,310

square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

Mesa Commons II would also include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption; fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

The project required the preparation of an environmental 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. Based upon the Initial Study staff found that there is no substantial evidence that the project would have a significant effect on the environment and therefore, determined that an Addendum to Negative Declaration No. 33812 (Mesa Commons I) was the appropriate environmental document for the project. Addendum to Negative Declaration No. 33812 has been completed in compliance with the California Environmental Quality Act.

The College Area community is served by the Mid-City Division substation located at 4310 Landis Street in City Heights with a current response time of six minutes. A local satellite office is also located at 3905 Adams Avenue. There is currently no police substation or community relations office within the boundaries of the community. The community is also served in part by the University Police who are responsible for public safety on campus and who work closely with the San Diego Police Department in monitoring off-campus student activities. According to the Police Department, staff is available to service the proposed project without impacting current response times.

According to the Public Facilities Element of the plan, existing fire protection facilities are in place to service needs of the College Area population. Fire Station 17, located at 4206 Chamoune Avenue which is approximately 2.5 miles from the project site and Fire Station No. 10 located at 4605 62nd Street which is approximately a half mile from the project site provide the necessary fire protection for the community. Fire Station No. 10 has an emergency response time of approximately four minutes. The principal fire threat in the community is from brush fire in the surrounding canyons. Fire Station No. 10 is equipped with a brush rig vehicle which is adequate for dealing with uneven terrain and used in situations where access is a problem and fire hydrants are limited or non-existent.

The permit prepared for the project will include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions, as determined by the decision-maker, are intended to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.

The project would comply with the development regulations in effect for the subject property as well as other regulations and guidelines pertaining to the subject property per the SDMC. The proposed development would be required to obtain Building Permits to show that all construction will comply with all applicable Building and Fire Code requirements. 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 Mesa Commons II project proposes to amend an approved 52-unit development on 2.12 acres (Mesa Commons I) by adding thirty- three for-sale units and 1.96-acres to the approved site. Mesa Commons II would include the demolition of an existing single-family home and the construction of twenty-six attached town-home style units in seven buildings (four, three-unit buildings, one, four-unit building, and two, five-unit buildings) totaling 53,310 square-feet (including garages); and seven detached single-family home style units totaling 14,618 square-feet (including garages).

Mesa Commons II would also include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption; fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

The SDMC allows flexibility in the application of development regulations (deviations) for sustainable developments where strict application of the base zone development regulations would restrict design options and result in a less desirable project, through the processing of a Planned Development Permit. The intent of the Planned Development Permit regulations is to accommodate, to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits.

The project proposes to deviate from the SDMC requirements for parking, height, setbacks, and the length of the required building façade. Staff believes that the City Council can make the appropriate findings based on the following information.

Parking Deviations

Request for 8-foot long driveways for the seven single-family homes where the SDMC requires 20 feet.

The deviation is requested in order to provide larger interior living areas of the units and is not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed driveway length deviation would accommodate a single-family detached product within the Mesa Commons II project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating superior circulation within the interior of the project. By maintaining strict conformance with the 20-foot long driveway requirement, the proposed rowhomes on site could not be as easily facilitated.

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces.

The project is proposing to provide fourteen parking spaces within the seven proposed 2-car garages. Per LDC section 142.0520, the fourteen additional parking spaces may be provided on-street, abutting the subject property, and the applicant has designed their driveway configuration to allow for the parking of a vehicle on the street in front of six of the seven single-family homes.

Of the fourteen additional parking spaces required, the project proposes to provide one on-site space in the interior of the project, six on-street parking spaces along the front of the seven single-family homes (on the south side of Catoctin Drive), and seven parking spaces (via a deviation) on the north side of Catoctin Drive, along the Language Academy frontage, or on the south side of Catoctin Drive along the park frontage to the east of the subject site.

The parking in front of the Language Academy is restricted to buses on school days, between the hours of 7:00 AM and 4:00 PM. The peak parking demand for the single-family homes would occur before 7:00 AM and after 4:00 PM and outside the hours of peak demand for the Language Academy.

Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for this deviation.

Request for 8-foot setbacks for the seven single-family homes where the SDMC requires a standard setback of 20 feet and a minimum setback of 15 feet.

The deviation is requested in order to provide larger interior living areas of the units and is not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed front setback deviation will accommodate a single-family detached product within the Mesa Commons project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating superior circulation within the interior of the project. By maintaining strict conformance with the front-yard setback requirement, the proposed rowhomes on site could not be as easily facilitated.

The single unit lots as proposed are appropriate for the location as the project site is surrounded by multiple land uses, including Montezuma Neighborhood Park to the east, high-density residential and commercial uses to the south, and the Language Academy to the north. Aesthetically, the 8-foot setback will preserve a front-yard for the new units similar to older single-family housing stock in the area. At the same time, the existing mix of land uses immediately surrounding the site allow for smaller front-yards to blend with the nearby development pattern. In order to retain the proposed number of units on-site, the applicant requested, and staff supports deviations to the project's setback requirements.

Request to provide three parking spaces per single-family home (two spaces in each home's garage, six spaces on the street fronting the residence, and one space within the project) where the SDMC requires that single dwelling units that do not provide a driveway at least 20 feet long shall provide two additional parking spaces.

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces.

The project is proposing to provide fourteen parking spaces within the seven proposed two-car garages. Per LDC section 142.0520, the fourteen additional parking spaces may be provided on-street, abutting the subject property, and the applicant has designed their driveway configuration to allow for the parking of a vehicle on the street in front of six of the seven single-family homes.

Of the fourteen additional parking spaces required, the project proposes to provide one on-site space in the interior of the project, six on-street parking spaces along the front of the seven single-family homes (on the south side of Catoctin Drive), and seven parking spaces (via a deviation) on the north side of Catoctin Drive, along the Language Academy frontage, or on the south side of Catoctin Drive along the park frontage to the east of the subject site.

The parking in front of the Language Academy is restricted to buses on school days, between the hours of 7:00 AM and 4:00 PM. The peak parking demand for the single-family homes would occur before 7:00 AM and after 4:00 PM and outside the hours of peak demand for the Language Academy.

Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for this deviation.

Request to provide a total of eighty-six vehicle parking spaces when the SDMC requires ninety-three spaces.

When the parking requirement for both the single-family units (twenty-eight spaces) and the rowhomes (fifty-nine spaces) is combined with the Mesa Commons I replacement spaces required due to the reconfiguration of the projects' access point (six spaces) the overall parking requirement is for ninety-three spaces. The project is requesting a deviation to provide eighty six spaces (twenty-one spaces for the single-family homes, fifty-nine spaces for the rowhomes, and six replacement spaces).

The parking requirement for the single-family style component of this development consisting of seven single-family residences is fourteen parking spaces. However, since the proposed seven single-family residences are not providing the required 20-foot long driveways, an additional two parking spaces per unit, or fourteen additional parking spaces, are required. Therefore, the total number parking spaces required for the single-family component of this project is a total of twenty-eight parking spaces. As described above, for the single-family units the project would provide fourteen spaces in 2-car garages, six on-street spaces fronting the single-family units along Catoctin Drive, one space within the interior of the development, and seven spaces either fronting the Language Academy or the adjacent Montezuma Park.

The parking requirement for the multi-family component of this development consisting of twenty-six 3-bedroom units (2.25 spaces per unit) is fifty-nine off-street parking spaces of which one space is an accessible parking space and two motorcycle spaces. The project is proposing to provide the required fifty-nine parking spaces on-site (fifty-two spaces within twenty-six 2-car garages and seven guest parking spaces) of which one space is an accessible parking space and two motorcycle spaces. In addition, six guest parking spaces are provided on-site to replace the six parking spaces (part of the required parking for the approved Mesa Commons I) lost as a result of the reconfiguration of the access point linking Mesa Commons I to Mesa Commons II.

The seven parking spaces for the single-family homes that the project proposes to provide in front of the Language Academy and/or Montezuma Park trigger the requested deviation. Given that the peak demand for the single-family homes and the school do not conflict, that the applicant has designed the single-family homes' driveway configuration to allow ample room to park a vehicle in front of six of the seven units, and that the SDMC allows on-street parking, staff supports the applicant's request for the parking deviation.

Height - The Maximum height allowed in the RM-1-2 zone is 30 feet. The project is designed with a building height of 37 feet, 8 inches for the rowhomes and 30 feet, 10 inches for three of the seven single-family homes. The measurement of 37 feet, 8 inches for the rowhomes applies to the top of the chimney for each of the proposed rowhome units. The addition of the interior fireplace with each rowhome unit allows for a more desirable product type. Alternatively, the height measured to top of structure roof is 34 feet, 4 inches, closer to the maximum height allowed.

The applicant intentionally located the rowhome product within the interior of the project to maximize the visual prominence of the single-family product proposed on the frontage of Catoctin Drive. The rowhomes would not be directly visible from Catoctin Drive and as a result, would minimize any potential negative impact created by the height deviation.

A height deviation is also requested for the single-family homes proposed for Catoctin Drive. Although the height for these homes is 30 feet, 10 inches as measured to the top of chimney, no single-family structure (as measured to top of roof) exceeds 28 feet. This minor height deviation allows for the inclusion of an interior fireplace and corresponding chimney for each unit. These amenities would result in a more desirable product.

Approving the requested height deviations would allow for additional architectural details, such as a chimney and expanded interior ceiling heights that would not be present if structure height were limited to 30 feet. Therefore, staff recommends approval of the requested height deviations.

Setbacks – The project's single-family product type (on Parcel One) is designed with a rear yard setback that ranges from 10 to 15 feet, when the RM 1-2 zone requires a rear yard setback of 15 feet. The project's single family product type (on Parcel One) and rowhome product type (on Parcel Two) are designed with a 5-foot side yard setback, when the RM 1-2 zone requires a standard side yard setback of 8 feet and a minimum side yard setback of 5 feet. The project's single-family product type (on Parcel One) is designed with an 8-foot front-yard setback when

the RM 1-2 zone requires a standard front-yard setback of 20 feet, with a minimum front-yard setback of 15 feet.

The deviations are requested in order to provide larger interior living areas of the units and are not inconsistent with the underlying purpose of the RM-1-2 zone. The proposed setbacks deviations on Parcel One will accommodate a single-family detached product within the Mesa Commons project, and allow the project to simultaneously meet other goals such as improving architecture and landscaping and facilitating circulation within the interior of the project. By maintaining strict conformance with the front-yard setback requirement, the proposed rowhomes on site could not be as easily facilitated. In order to retain the proposed number of units on-site, the applicant requested, and staff supports deviations to the project's setback requirements.

Building Façade - The seven single-family homes on Parcel One deviate from the requirement of maintaining 40 percent of the length of the building façade dedicated to habitable area, in that 9 feet is proposed where 12 feet is required for the 30-foot-wide units.

The proposed deviation is requested due to the limited area of frontage along Catoctin Drive and allows for (1) greater side yards for each unit, and (2) the development of additional homes in a time when the City is experiencing a housing shortage. The additional side yard gained from minimizing the length of the building façade would be greater enhanced through the 5-foot side yard access easements present for six of the seven units. These will result in ultimately larger lots for each home and additional yard space for future residents. In addition, architectural detailing, meant to emphasize the varied roof levels, offsetting planes and mixed building materials, would offset the reduced front building facade.

The deviation allows for additional single-family detached homes in a community where few have been built in recent years. Per the applicant's correspondence with the community, provision of this type of housing is vital in order to maintain quiet, family-oriented neighborhoods. Therefore, staff supports the requested building facade deviation.

Each of the requested deviations are appropriate for this location and would 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 development has otherwise been designed and conditioned to ensure conformance to the requirements of the LDC. Therefore, the proposed use will comply with the applicable regulations of the SDMC 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 Planned Development Permit No. 261644/Site Development Permit No. 312203 is granted to Carter Reese No. 15A, L.P., A California Limited Partnership, and Catoctin Properties, LLC, Owners, and Carter Reese No. 15A, L.P., A California Limited Partnership, 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
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/29/06
08/10/06 **COR.COPY**
Or.Dept:DSD
R-2006-837
MMS#3173

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: 42-5171

PLANNED DEVELOPMENT PERMIT NO. 261644
SITE DEVELOPMENT PERMIT NO. 312203
MESA COMMONS II
CITY COUNCIL

This Planned Development Permit No. 261644, Amending Planned Development Permit No. 93412/Site Development Permit No, 312203, Amending Site Development Permit No. 93413 is granted by the Council of the City of San Diego to Carter Reese No. 15A, L.P., a California Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604 and 126.0504. The 4.08-acre site is located at 4883, 4905, & 4915 Catoctin Drive, and 6456 El Cajon Boulevard in the RS-1-7 zone (proposed to be rezoned to RM-1-2), the RM-1-2 Zone, the CU-2-3 Zone of the Central Urbanized Planned District Ordinance, the Campus Impact Area of the Parking Impact Overlay Zone, within the College Area Community Plan and the Crossroads Redevelopment Project Area.

The project site is legally described as All of Lots 8, 9, 10, and 11, together with that portion of Lot 3 excepting therefrom the west 8 feet and excepting therefrom that portion conveyed to the State of California by Deed recorded May 6, 1953 in Book 4846, Page 156 of Official Records, and together with that portion of Lot 4 excepting therefrom that portion described as follows: beginning at the southeast corner of said Lot 4; thence southwesterly along the southerly line of said Lot 4, 45.87 feet; thence northerly and parallel with the westerly line of said Lot 4, 100 feet; thence northerly to a point on the northerly line of said Lot 4, 100 feet westerly of the northeast corner of said Lot 4; thence easterly along the northerly line of said Lot 4 to the northeast corner of said Lot 4; thence in a southerly direction along the east line of said Lot 4 to the point of beginning; also excepting from said Lot 4 that portion lying southeasterly of the following described line: beginning at a point on the southwesterly line of said Lot 4, distant thereon South 42°08'12" East 263.82 feet from a ¾ inch iron pipe, by a post, set for the most westerly corner of said Lot 4; thence leaving said southwesterly line North 42°40'30" East, 25.20 feet to a point which bears North 47°19'30" West 50.00 feet from Engineer's Station 326 plus 39.96 B.C., on the center line of the Department of Public Works Survey made in

1951 along El Cajon Boulevard, between Esther Street and the East City Limits of San Diego, Road XI-SD-12-SD; thence along a line concentric with and distant 50 feet northwesterly, radially from the center line of said survey, along a tangent curve to the right with a radius of 950 feet, through an angle of 16°05'07", a distance of 266.70 feet to a point on the southwesterly prolongation of the northwesterly line of Lot 33 of Metropolitan Center, according to Map thereof No. 2085, on file in County Recorders Office, distant along said northwesterly line and the southwesterly prolongation thereof South 31°22'25" West 131.76 feet from a one-half inch iron pipe (bent) with tag marked "L.S. 2317" set for the most northerly corner of said Lot 33 of Metropolitan Center; all of Alvarado Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1634, filed in the Office of the County Recorder of San Diego County, May 6, 1914.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittee, to add twenty-six townhomes and seven single-family homes to an approved and permitted 52 unit project, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated MAY 08 2006, on file in the Development Services Department.

The project or facility shall include:

- a. A total of thirty-three dwelling units consisting of twenty-six attached townhome units in seven buildings with four, 3-unit buildings, one, 4-unit building, and two, 5-unit buildings totaling 53,310 square-feet of gross floor area (including garages); and seven detached single-family units totaling 14,618 square-feet of gross floor area (including garages);
- b. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities;
- e. Accessory improvements including fire-sprinklered buildings; 20,100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, 4-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montezuma Park; and the addition of landscape screening materials buffering the development from the adjacent park; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. All conditions of previously approved and hereby amended Planned Development Permit No. 93412 and Site Development Permit No. 94313 still apply.
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. 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.).
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.

AFFORDABLE HOUSING REQUIREMENTS:

11. 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:

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

13. 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.

14. 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 Concept Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

15. Prior to issuance of any construction permits for structures (including shell), 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. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under Land Development Code [LDC] section 142.0403(b)5.

16. Prior to issuance of any Certificate of Occupancy or the performance of a Final Inspection, 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 shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

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

18. The 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.

19. 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 prior to a Certificate of Occupancy or a Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

20. Prior to the issuance of the first building permit, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

21. No fewer than eighty off-street parking spaces (sixty-six spaces provided within the proposed thirty-three 2-car garages, eight on-site guest parking, six on-site guest parking for the approved phase 1 Mesa Commons), and two motorcycle spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A." Parking spaces shall comply at all times with requirements of the

LDC and shall not be converted for any other use unless otherwise authorized by the City Manager.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

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

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

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

29. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct

installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

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

30. 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.

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

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

33. 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.

34. 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."

PARK REQUIREMENTS

35. Prior to the issuance of the first building permit, the applicant shall pay the per-unit Development Impact Fee in place at the time, and shall pay \$25,000 to the City, to be placed into the Colina del Sol Major District Fund Number 11610, for the sole purpose of

constructing park improvements, which could include a tot lot, at Montezuma Neighborhood Park

TRANSPORTATION REQUIREMENTS:

36. 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:

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

38. Prior to the issuance of any engineering or building permits, the developer 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 lot or ownership.

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

40. 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.

41. 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:

42. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a minimum 24-foot wide paved vehicular access roadway and 12-inch water facilities, in a manner satisfactory to the Water Department Director and the City Engineer.

43. Prior to the issuance of any certificates of occupancy, all public water facilities and vehicular access roadways necessary to serve this development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

44. 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 Water Department Director and the City Engineer.

45. 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 serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

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

47. Prior to the issuance of any building permits, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot.

48. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

49. 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.

50. 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, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

51. Providing water for this development is dependent upon prior construction of certain water facilities in the previously approved Mesa Commons Developments. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

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 MAY 08, 2006
by Resolution No. R-301428.

AUTHENTICATED BY THE CITY MANAGER

By _____

After approval of the above referenced project by the City Council, Catoctin Properties, LLC, a California Limited Liability Company, Owner, transferred his portion of the property (APN No. 467-350-14-00) to Carter-Reese No. 15A, L.P., a California Limited Partnership, as to Lot 10 excepting the southeasterly 100.00 feet thereof of Alvarado Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1634, filed in the Office of the County Recorder of San Diego County, May 6, 1914. The northwesterly line of said southeasterly 100.00 feet being parallel with the 100.00 foot distant northwesterly measured at right angles from the southeasterly line of said Lot 10, the new Owner of the project.

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.

CARTER REESE NO. 15A, L.P.
A California Limited Partnership
Owner/Permittee

By _____

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

Cor. Copy _072706

Passed by the Council of The City of San Diego on MAY 08 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 08 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R- 301428