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11/28/06
ORG

RESOLUTION NUMBER R- 302144

DATE OF FINAL PASSAGE NOV 28 2006

WHEREAS, Grant Hill Partners, LLC, Owner/Permittee, filed an application with the City of San Diego for a planned development permit/site development permit to construct six single-family dwellings on six proposed lots on portions of a .48 acres site known as the Grant Hill Residences project [Project], located within the 500 block of 30th Street, and legally described as Lots 7 through 10, Block 7, Hoitt's Addition Map No. 29, in the Southeastern San Diego Community Plan area, in the MF-3000 zone (existing Lots 7 through 9 are zoned MF-3000; existing lot 10 is proposed to be rezoned from CSF-2 zone to MF-3000 zones); and

WHEREAS, on September 7, 2006, the Planning Commission of the City of San Diego considered Planned Development [PDP] Permit No. 355451/Site Development [SDP] Permit No. 355452, and pursuant to Resolution No. 4134-PC voted to recommend City Council approval of the Permit; 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; and

WHEREAS, the matter was set for public hearing on NOV 28 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 Planned Development Permit No. 355451/Site Development Permit

No. 355452 :

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

1. Findings for all Planned Development Permits

a. The proposed development will not adversely affect the applicable land use plan. The proposed development will not adversely affect the applicable land use plan. The project fulfills the objective of encouraging quality small scale infill development which is compatible and sensitive to surrounding development in terms of scale and style. In addition, the development complies with the Special Character Multi-Family design regulations which the community plan recommends be applied to this section of the Southeastern community.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project is the subdivision of four existing lots into six lots for the construction of six single-family residences on a .48-acre site in the Grant Hill Neighborhood of the Southeastern San Diego Community Plan. The project required the preparation of a Mitigated Negative Declaration [MND] for potential impacts to archaeological (historical) and paleontological resources due to the depth of grading and cubic yards to be graded. As such, a Mitigation Monitoring and Reporting Program [MMRP] was established for project implementation with mitigation measures for paleontological and archaeological monitoring during grading which will ensure the recovery of any fossil remains, reducing potential impacts to these resources to below a level of significance. The environmental analysis included the review of a Hydrology Study, Sewer Study, Water Quality Technical Report, and a Geotechnical Report. Staff analysis of these documents concluded that the project would not adversely impact any other resources. The permit prepared for this development includes various conditions to achieve project compliance with applicable City of San Diego Municipal Code regulations; and that such conditions have been determined by the decision maker as necessary to avoid adverse impacts upon the health, safety and general welfare.

c. The proposed development will comply with the regulations of the Land Development Code. The project proposes the construction of six single-family residences on a vacant lot. The property is surrounded by established subdivisions developed with single-family homes and duplexes. The proposed project was reviewed for conformance with all of the regulations of the Land Development Code which include zoning requirements, traffic, engineering, water and sewer and the landscape regulations of the Southeastern San Diego Planned District and found to be consistent with all of these requirements with the exception of certain development regulations contained within the Special Character Multi-Family Neighborhood [SCMFN] of the Planned District and the multi-family lot standards. The purpose of the SCMFN regulations is to retain and enhance those single-family neighborhoods within the

Southeastern community that are zoned for multi-family developments. In order to achieve a single-family development on this infill lot, several deviations have been incorporated into the project design as noted below:

- Deviations to the lot standards of the SF 5000 and MF-3000 zones.
- 10'-0" to 13'-0" Front Yard Setback along 30th Street and along Island Avenue where 15'-0" is required: Lots 1 - 6 (first floor stairwell only to access front entry porch).
- 5'-0" to 6'-0" Street Side Yard Setback along 30th Street where 8'-0" is required: Lot 2 (second story deck and balcony only).
- 20'-0" to 24'-0" Setback for Garages where 25'-0" is required for garage doors facing the street: Lots 1-6
- Two Story Height Limitation: Lots 1 – 6.

The Southeastern San Diego Planned District Ordinance had offered the option of using the Small Lot Overlay Zone [SLOZ] development regulations. The SLOZ was replaced in the Land Development Code by the RX-1-2 zone. The purpose and intent of the SCMFN regulations, the SLOZ and the RX-1-2 zone are essentially the same and the proposed development is consistent with the development regulations of the RX-1-2 zone. These deviations are appropriate as allowed with the Planned Development Permit [PDP] as they assist in facilitating a single-family product and design in keeping with the purpose and intent of the SCMFN regulations. Therefore, the project complies with the regulations of the Land Development Code. The deviations are the minimum necessary to convey the single-family character of the development and to construct a single-family product. The project was re-designed over the course of project review to eliminate several other deviations and the new scope and design of the project meets the purpose and intent of the SCMFN overlay, which is to maintain or enhance the single-family character of the neighborhood. Therefore, the project complies with the relevant regulations of the zone.

d. The proposed development, when considered as a whole, will be beneficial to the community. The proposed 6-unit subdivision will be constructed on a vacant site in the Southeastern Community which is surrounded by established subdivisions and commercial uses. The project was found to be in compliance with all of the relevant regulations of the zone as allowed with a Planned Development Permit. The site consists of four existing lots, three of which are zoned and designated in the community plan for residential development. Project implementation requires a rezone and plan amendment for only one of the four existing lots to facilitate the development of the 6-unit project. The proposed development will provide for additional housing stock for the community. The site has been used in the past for the dumping of debris and other materials, creating an eyesore at this location. The site will be visually enhanced through the placement of the new buildings and enhanced landscaped areas. The proposed development will be beneficial to the community.

e. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development is a 6-unit subdivision located on a vacant lot in the Southeastern San Diego Community Plan. The site is zoned MF-3000 and also located within the

SCMFN area, which contains supplemental regulations for developments and requires consistency with the single-family zone requirements. The purpose of the SCMFN regulations is to retain the single-family character of neighborhoods which are zoned for multi-family developments. The project design incorporates deviations from the underlying zoning requirements including lot standards, setback requirements and the 2-story height limitation. The analysis of the proposed 6-unit subdivision included a comparative survey of other zone's development regulations and their applicability, as well as an analysis of several process options necessary to achieve the density and single-family product encouraged in the community plan. The deviations requested were found to be appropriate for this location and have assisted in facilitating a single-family subdivision anticipated in the Grant Hill Neighborhood as described below:

1. Deviations to the following lot standards:

REQUIRED/ SF ZONE	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	REQUIRED/ MF ZONE	LOT 6
Lot Area/ 5,000 sq. ft.	3,500	3,425	3,500	3,500	3,500	Lot Area/ 6,000 sq.ft.	3,500
Lot Depth: 95'-0"	70.64	70.64	No deviation	No deviation	No deviation	Lot Depth: 100'-0"	No deviation
Lot Frontage and Width: 50'-0"	No deviation	No deviation	35'-0"	35'-0"	35'-0"	Lot Frontage and Width: 60'-0"	35'-0"

The project proposes to subdivide four existing lots, lots 7 through 10 and create six new lots, lots 1 through 6. The existing lots conform to the underlying zone standards. The project was re-designed from the original proposal which was an 8-unit produce with one duplex on each of the existing lots. In response to staff comments and community concerns about the multi-family product proposed within the SCMFN, the project was redesigned to propose fewer residential units (from eight to six) and a single-family product. The applicant submitted that in order to achieve the desired amount of units and to make the project marketable, reduced lot sizes were necessary.

Several alternatives were considered for the processing of the revised project. Historically, the SESD PDO had a provision to utilize the previously existing SLOZ for all single-family developments. The stated purpose of this overlay was to.... "expand the choice range, and type of single-family housing and to implement community plan objectives wherever densities in the 5-10 dwelling units per acre range were therein prescribed." The intent of the overlay was to create developments that achieved the allowable density of the community plan while maintaining the goal of single-family development design. This overlay allowed the subdivision of land creating lots with reduced areas, lot dimensions and setback requirements.

When the Land Development Code was enacted in 2000, it renamed existing city-wide zones, created new zones and eliminated the majority of the overlay zones including the SLOZ. In most cases, the overlay zones were replaced with a new city-wide zone. The SLOZ was replaced by the existing RX -zone. The purpose and intent the RX zone is similar to the

previously existing SLOZ, to provide for single dwelling units on smaller lots with the intent of providing an alternative to multi-dwelling units where single dwelling units could be developed at similar densities. An analysis of the revised project in relation to the existing RX-1-2 zone revealed that the proposed development was consistent with the lot standards and development regulations.

In consideration of these factors, a rezone to a city-wide zone, and/or removal of the lots from the SCMFN was deemed to be an inappropriate option for a small development project of six homes. The final design and requested deviations to the lot standards are appropriate for the proposed development and in keeping with the purpose and intent of the PDO. The reduced lot standards would be consistent with the standards allowed in the RX zones and the purpose and intent of the zone. The reductions will facilitate the development of marketable single-family homes.

The following deviations from the SF-5000 zone development regulations have been incorporated into the project design as allowed by a PDP:

2. 10'-0" to 13'-0" Front Yard Setback along 30th Street and along Island Avenue where 15'-0" is required - Lots 1 - 6 (first floor stairwell only to access front entry porch).
3. 5'-0" to 6'-0" Street Side Yard Setback along 30th Street where 8'-0" is required: Lot 2 (second story deck and balcony only).

Each of the residences will observe the required 15'-0" front setback along 30th Street and the 8'-0" street side yard along 30th Street as required by the SF zone. The reduced setback for the encroachments into the front and street side yard area are for stairwells and second story elements and are the minimum necessary to achieve a design that is pedestrian friendly by providing architectural features on the street facing facades. The varied setbacks for these architectural features serve to provide a more visual interesting design than would be achieved by strict adherence to the front and street side yard requirements. Lastly, the curb-to-property line distance along 30th Street is 14'-0" where the standard is 10'-0". When measured from behind the edge of the sidewalk, the architectural features measure 9'-0" to 17'-0", well outside of any required street side yard (8'-0") and front yard (15'-0) area, meeting the purpose and intent of the setback requirement.

4. 20'-0" to 24'-0" Setback for Garages where 25'-0" is required for garage doors facing the street - Lots 1-6

In the SF-5000 zones, garages must observe an additional 10'-0' front yard setback unless additional on-site parking is provided. The purpose of this regulation is to provide for offsets within the street facing facades and to facilitate the parking of vehicles which do not overhand into the public right-of-way. In order for the project to conform to the setback required for garages, the living area would have to be reduced, or the homes placed closer to the rear property lines. A 15'-0" rear setback is required in SF-5000 zone where there is no alley. The homes on lots 1 and 2 are located at the rear setback line of 15'-0", prohibiting setting the

garages back any further. The homes on lots 3 through 6 observe 29'-0" rear yards at the closest point measured to the building wall, however, setting these homes back would reduce the rear yard areas. The residences already provide reduced front yard areas due to the required pavement for the driveways.

5. Two Story Height Limitation: Lots 1 – 6

The SF-5000 zone requires a 2- story limit for a single-family residence. The structures are two stories in all elevations with the exception of the street elevation. Therefore, the homes are classified as 3- story structures by definition because the floor to ceiling height exceeds 6'-0" from grade to the floor above. This first floor allows for vehicular access to enclosed parking areas within the basement garages.

All of the proposed deviations can be supported. The proposed development is compatible with other developments in the immediate area. The requested reductions to the lot standards will allow the development of marketable, single-family homes while allowing the applicant to achieve the density anticipated in the community plan and encouraged by the SCMFN regulations of the Planned District. The reduced setbacks areas along 30th Street would be mitigated by the 14'-0" curb-to-property-line distance and would allow the encroachment of architectural elements only. Varied street setbacks are proposed for each home. The residences and garages would observe the standard 15'-0" setback along both frontages. The project as redesigned is in conformance with the purpose and intent of PDO by providing a single-family development on a multi-family zoned lot within an area identified as "single family" protected.

The proposed deviations are appropriate for the site and the location and are the minimum necessary to achieve the desired single-family product anticipated at this location.

B. SITE DEVELOPMENT PERMIT – 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 proposed development will not adversely affect the applicable land use plan as described above in Planned Development Permit finding No. 1.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development will not be detrimental to the public health, safety, and welfare as described above in Planned Development Permit finding No. 2.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development will comply with the applicable regulations of the Land Development Code as described above in Planned Development Permit finding No. 3.

SOUTHEASTERN SAN DIEGO PLANNED DISTRICT FINDINGS:

1. **The proposed use and project design meet the general purpose and intent of this division of the Municipal Code, complies with the recommendations of the Southeastern San Diego Planned District for this site, and will not adversely affect the southeast San Diego Community Plan, the City's Progress Guide and General Plan or other applicable plans adopted by the City Council in effect for this site.** The proposed six single-family dwellings and associated site improvements meet the general purpose and intent of this division of the Municipal Code, complies with the recommendations of the Southeastern San Diego Planned District for this site, and will not adversely affect the Southeastern San Diego Community Plan, the City's Progress Guide and General Plan or other applicable plans adopted by the City Council in effect for this site. See Finding A.1.a of the Planned Development Permit Findings above.

2. **The proposed development shall be compatible with existing and planned land uses on adjoining properties and shall not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.** The proposed development is the construction of six single-family dwellings on six newly created lots. As approved by this amendment, the site is zoned for residential and designated for residential development and will be consistent with the density requirements of the zone and the community plan. The majority of the site is located within an area identified as the Special Character Multi-Family area the purpose and intent of the Special Character Multi-Family area is to preserve and maintain the single-family character of existing neighborhoods. Surrounding developments include single-family homes and two detached single-family units on individual lots constructed of wood or stucco siding, with pitched roofs, elevated porches and balconies. The proposed residences on the subject property will be architecturally compatible with these structures, proposing material finishes consisting of flat river rock stone casting veneer, planter shelves and corbels, accent cloth awnings and wood shutters, and, wood railings with wrought iron balustrades. One of the objectives of the Grant Hill Neighborhood Element of the Community Plan is the encouragement of infill development which is compatible and sensitive to surrounding development in terms of scale and style. The project achieves this by incorporating setbacks, façade variation, recessed entryways, balconies and bay windows which serve to break the buildings into smaller visual components.

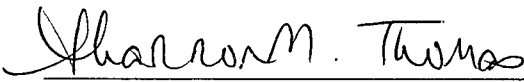
The development of the vacant site with detached single-family homes on individual lots, adjacent to existing developed subdivisions is consistent with the recommendations of the Southeastern San Diego Community Plan, and as required by the Special Character Multi-Family supplemental regulations. Therefore, the proposed development is compatible with existing and planned land uses on adjoining properties and shall not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

3. **The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.** The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. See Finding A.1.b of the Planned Development Permit Findings above.

4. **The proposed use will comply with the relevant regulations of the municipal code in effect for this site.** The proposed use will comply with the relevant regulations of the Municipal Code in effect for this site. See Finding A.1.c of the Planned Development Permit Findings above.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 355451/Site Development Permit No. 355452 is granted to Grant Hill Partners, LLC Owner/Permittee, under the terms and conditions as set forth in permit attached hereto and made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
11/02/06
Or.Dept:DSD
R-2007-535
MMS#4002

Permit Resolution 09-20-05.doc

NOV 28 2006

Passed by the Council of The City of San Diego on _____, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 NOV 28 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 *Debbie Swenson-Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R-302144

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 42-0803

PLANNED DEVELOPMENT PERMIT NO. 355451
SITE DEVELOPMENT PERMIT NO. 355452
GRANT HILL RESIDENCES - PROJECT NO. 3887 [MMRP]
CITY COUNCIL

This Planned Development Permit No. 355451/Site Development Permit No. 355452, is granted by the Council of the City of San Diego to Grant Hill Partners, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.1701, 126.0501 and 126.0601. The .48-acre site is located within the 500 block of 30th Street at the northwest intersection of Island Avenue and 30th Street, in the MF-3000 zone (existing Lots 7 through 9 are zoned MF-3000, existing Lot 10 is proposed to be rezoned from CSF-2 to MF-3000) of the Southeastern San Diego Planned District in the Grant Hill neighborhood of the Southeastern San Diego Community Plan area. The project site is legally described as Lots 7 through 10, Block 7, Hoitt's Addition Map No. 29.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct six single-family dwellings on six proposed lots, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated NOV 28 2006, on file in the Development Services Department.

The project shall include:

- a. Construction of six, single-family residences on the following lots:
 - i. Lots 1 and 2: 3-story, 1,709 square-foot, single-family dwelling
 - ii. Lots 3, 4, 5, and 6: 3-story, 1,740 square-foot, single-family dwelling
- b. Deviations to lot standards and development regulations as described below:

i. Lot Standards:

REQUIRED/ SF ZONE	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	REQUIRED/ MF ZONE	LOT 6
Lot Area/ 5,000 sq. ft.	3,500	3,425	3,500	3,500	3,500	Lot Area/ 6,000 sq.ft.	3,500
Lot Depth: 95'-0"	70.64	70.64	No deviation	No deviation	No deviation	Lot Depth: 100'-0"	No deviation
Lot Frontage and Width: 50'-0"	No deviation	No deviation	35'-0"	35'-0"	35'-0"	Lot Frontage and Width: 60'-0"	35'-0"

ii. 9'-0" to 13'-0" Front Yard Setback where 15'-0" is required: Lots 3 - 6 (stairwell only)

iii. 6'-0" to 8'-6" Street Side Yard Setback: Lot 2

iv. 21'-0" to 24'-0" Setback where 25'-0" is required for garage doors facing the street: Lots 1-6

v. Three story structures where two stories is the maximum permitted: Lots 1 - 6

c. Landscaping (planting, irrigation and landscape related improvements);

d. Off-street parking facilities; and

e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the

discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

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).

ENGINEERING REQUIREMENTS:

12. The Planned Development Permit and Site Development Permit shall comply with the conditions of the Tentative Map No. 355453.

LANDSCAPE REQUIREMENTS:

13. Street trees to be continued west along Island Avenue to Dobson Street at a rate of one tree for every 30 feet of frontage.

14. Street trees shall conform with the Street Tree requirements, Land Development Code [LDC] section 142.0409.

15. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A," Landscape Development Plan.

16. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

17. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

18. Prior to issuance of any engineering permits for right-of-way improvements, and complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
19. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the City Manager for approval. The plans shall be in substantial conformance to Exhibit "A."
20. Prior to the issuance of any engineering permits for grading or improvement the permittee shall complete a Maintenance Assessment District Agreement form for early confirmation.
21. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit "A," Landscape Development Plan.
22. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."
23. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.
24. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
25. 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.
26. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or

replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

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

28. 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.

29. 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.

30. 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.

31. 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.

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

33. 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.

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."

WATER REQUIREMENTS:

35. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 8-inch water mains in 30th Street from Market Street to Island Avenue and in Island Avenue from 30th Street to the project's westerly boundary, in a manner satisfactory to the Water Department Director and the City Engineer.

36. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

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

38. All on-site water facilities shall be private including domestic, fire and irrigation systems.

39. 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. Water facilities and water easements, as shown on the approved plans, shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

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

41. 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.

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.

- This development may be subject to impact fees at the time of building/engineering permit issuance

APPROVED by the City Council of the City of San Diego on NOV 28 2006,
2006, by Resolution No. 302144.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

GRANT HILL PARTNERS, LLC.
Owner/Permittee

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04