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RESOLUTION NUMBER R- 302484

DATE OF FINAL PASSAGE MAR 26 2007

WHEREAS, AMCAL Los Vientos Fund, L.P., Owner/Permittee, filed an application with the City of San Diego for a site development permit/coastal development permit/planned development permit to demolish a single-family residence located at 1629 National Avenue and the construction of an eighty-nine-unit, affordable housing multi-family project of two 4-story buildings known as the Los Vientos project, located at 1629 and 1668 National Avenue, and legally described as Lots 36 through 41, Block 132, and Lots 13 Through 19, Block 138 of Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's addition, in the City of San Diego, County of San Diego, State of California, According to Map No. 209, Filed in the Office of the County Recorder of San Diego County, July 11, 1870, in the Barrio Logan Planned District-Redevelopment Subdistrict, Barrio Logan Redevelopment Project Area in the Barrio Logan/Harbor 101 Community Plan area, in the Barrio Logan Planned District Redevelopment Subdistrict Light Industrial/Commercial Use Zone (proposed RM-3-9 zone), Coastal Overlay Zone, Transit Overlay Zone, and Residential Overlay Zone; and

WHEREAS, on March 1, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 341663/Coastal Development Permit [CDP] No. 341662/Planned Development Permit [PDP]No. 417547, and pursuant to Resolution No. 4226-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 MAR 26 2007, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 341663/Coastal Development Permit No. 341662/Planned Development Permit No. 417547:

A. SITE DEVELOPMENT PERMIT

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. The proposed affordable housing multi-family development will consist of eighty-nine rental units located on separate parcels across the street from each other at 1629 and 1668 National Avenue. All of the affordable units will be available to households earning no more than 60 percent of the Area Median Income [AMI] and would allow for the creation of affordable housing for existing residents of the community.

The project site is located within the Barrio Logan/Harbor 101 Community Plan Area and development is governed by the Barrio Logan Planned District Ordinance, which implements the goals and objectives of the Barrio Logan/Harbor 101 Community Plan.

Barrio Logan is an older residential-industrial community bounded by the San Diego Bay on the west, the Centre City Redevelopment Area to the north, Interstate 5 to the east and National City to the south. Existing uses surrounding the sites include office, single- and multi-family dwelling units, a convenience store, auto salvaging, dry cleaning, and a meat distribution center.

The project would amend the Barrio Logan/Harbor 101 Community Plan to change the land use designation on the project sites to a High Density Residential designation with a density range of 45 to 74 units per acre. The proposed RM-3-9 zone allows for the development of one unit per every 600 square feet of land area. With a project site of approximately 1.04 acres (45,500 square feet), the project site would allow for the development of seventy-six dwelling units. The developer has requested a 17 percent density bonus under the density bonus regulations, bringing the total number of allowed units to eighty-nine units. Because 100 percent of the units will be affordable to low income households, the density bonus is necessary for the project to remain economically feasible.

The proposed change to residential use is consistent with the goals stated in the City's General Plan, the Barrio Logan Redevelopment Plan and the Community Plan. First, Goal 4 of the Housing Element of the General Plan calls for a significant increase in the number of affordable housing opportunities for low-income renters. The proposed increase in affordable housing stock would implement this Goal of the Housing Element and would help the City address its shortage of affordable housing stock during a time when City Council has determined that the City of San Diego is in an affordable housing state of emergency.

Second, the Barrio Logan Redevelopment Plan encourages a balanced mix of new housing stock, including low- and moderate-income housing, and contains other specific land use recommendations applicable to the site, which include achieving an environment that reflects a high level of concern for architecture, landscape, urban design and land use principles. The Redevelopment Plan also encourages the development of housing that satisfies the needs of various age, income, family size, and ethnic groups within the community, and maximizes opportunity for individual choice. The Redevelopment Plan seeks to retain the integrity of Barrio Logan by encouraging residential neighborhoods characterized by affordable housing, articulated buildings, densely planted courtyards and attractive sidewalks.

The proposed affordable multi-family development is consistent with other projects located within ½ block of the project site. Regarding urban design, the project design promotes an atmosphere conducive to enhancing the pedestrian experience through sidewalks, pedestrian friendly building components such as a community room near the sidewalk that activate the streetscape, enhanced landscaping within the public right-of-way, architectural detailing, usable central courtyards and tree plantings. With respect to affordable housing, the project is 100 percent affordable to low income households. The mix of 2-, 3- and 4- bedroom units in the proposed project would house households of various income levels and sizes, thus accommodating a variety of housing types and encouraging the provision of housing for all citizens of San Diego.

Third, one of the major goals in the Community Plan is to develop a circulation/ transportation network in the community, organizing automobile circulation patterns, parking, and encouraging the development of other modes of transportation. One way to address the goal is to provide additional accessibility for transit-dependent populations. The project sites are located within walking distance of public transit ensuring future residents of the project access to public transit. Because the subject sites are located within two blocks of the 12th Street Trolley Station and with 500 feet of Metropolitan Bus Stops, the project will help to create a pedestrian friendly transportation network which will help minimize circulation conflicts. For both sites, the

project also proposes to provide access to parking from the alley, which further enhances the pedestrian experience in terms of walkability and pedestrian connectivity.

The proposed change to a residential use will allow the development of affordable housing at a time when the City Council has determined that the City of San Diego is in an affordable housing state of emergency. In addition, the project meets the Community Plan's goal of providing both a balanced mix of new housing stock and accessibility to a transportation network for a the project's tenants. As such, the project will not adversely affect the applicable land use plan.

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. The proposed affordable multi-family development consists of eighty-nine rental units located across the street from each other on separate parcels at 1629 and 1668 National Avenue. The property located at 1629 National Avenue was previously used as an auto dismantling yard, and is now vacant except for a dilapidated single family structure that will be demolished as part of the construction. The property located at 1668 National Avenue is currently vacant.

The project will revitalize a blighted area by providing much needed affordable residential housing in an existing residential and office area. The project would be consistent with the surrounding uses and would coexist with minimum adverse effects on the environment. In addition, the project will eliminate the current blighted condition of the two separate parcels. A new affordable multi-family development will revitalize the area, prevent future blight, and increase property values by acting as a catalyst for further development.

A Mitigated Negative Declaration was prepared for the project and a Mitigation, Monitoring and Reporting Program (MMRP) will be adopted to mitigate potential impacts. Both documents are incorporated by reference into these findings. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development.

All proposed construction will comply with state and local codes and regulations for construction. In addition, Site Design BMPs are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. The project will be in compliance with the City's current regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

The affordable multi-family project will comply with all state and local codes and regulations, revitalize a blighted area, and create an area that is both visually and

environmentally pleasing. Such an enhancement to the community would, therefore, not be detrimental to the public health, safety, or welfare of the community.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed affordable multifamily development consists of new construction of eighty-nine affordable housing units in two 'U' shaped Type V 4-story buildings over concrete Type I subterranean parking. All proposed construction would comply with state and local codes and regulations for construction.

The RM-3-9 zone allows for the development of one unit per every 600 square feet of land area. With a project site of approximately 1.04 acres (45,500 square feet), the RM-3-9 zone authorizes the development of seventy-six dwelling units on the project site. The project, however, requested 17 percent density bonus because 100 percent of the units will be affordable to low income households. The 17 percent density bonus brings the total number of units to eighty-nine residential units. Although not required by the City's Affordable Housing Density Bonus Regulations, all eighty-nine units will be affordable to low income households.

The project proposes deviations to the development standards of the City of San Diego Land Development Code for front yard setbacks, side yard setbacks, rear yard setbacks, maximum lot size, side yard landscaping, private exterior open space, and parking.

Each of the requested deviations would be necessary to allow 100 percent of the units to be affordable housing rental units, given the size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed project will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

B. BARRIO LOGAN PLANNED DISTRICT PERMIT

1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted Planned District Ordinance and Community Plan. The project is consistent with the goals and objectives of the Progress Guide and General Plan and the Barrio Logan Community Plan, as is evidenced by the other areas designated as residential which are located a half-block from the Los Vientos plan area.

The Barrio Logan Community Plan envisions a hybrid community that allows land uses and urban activities that are typically considered conflictive, to remain side by side. Residential/industrial coexistence is a major goal of the Plan.

The Community Plan seeks to infill the existing community and to strengthen the community's housing, commercial and industrial assets. The plan envisions the residential component as a key element to the revitalization of the area and an increase in the size of the residential component as being necessary to support a minimum level of commercial services, which can then ensure the economic viability of the community in terms of its ability to support a minimum level of commercial service.

The Community Plan encourages the development of new housing in the area for low- and moderate-income households, both through private rehabilitation and through various housing assistance programs. The plan seeks to attain this goal by requiring the City to provide development opportunities for low- and moderate-income housing.

The Community Plan seeks to create a "self-contained, full-service community" with links to surrounding communities, through land use proposals that strengthen the residential, commercial and industrial components of the Community Plan. This can be accomplished by providing housing, employment and services within the boundaries of the community, and by closely relating the plan area to other community planning areas.

Another of the Community Plan's major goals is to develop a circulation/ transportation network in the community, organizing automobile circulation patterns, parking, and encouraging the development of other modes of transportation. One way to address the goal is to provide additional accessibility for transit-dependent populations. The project sites are located within walking distance of public transit that would offer community choices to future residents of the projects. Because the subject sites are located within two blocks of the 12th Street Trolley Station and with 500 feet of Metropolitan Bus Stops, the project will help to create a pedestrian friendly transportation network which will help minimize circulation conflicts. For both sites, the project also proposes to provide access to parking from the alley, which further enhances the pedestrian experience in terms of walkability and pedestrian connectivity.

Similarly, the Barrio Logan Redevelopment Plan encourages a balanced mix of new housing stock, including low- and moderate-income housing, and contains other specific land use recommendations applicable to the site, which include achieving an environment that reflects a high level of concern for architecture, landscape, urban design and land use principles. The Redevelopment Plan also encourages the development of housing that satisfies the needs of various age, income, family size, and ethnic groups within the community, and maximizes opportunity for individual choice. Finally, the Redevelopment Plan seeks to retain the integrity of Barrio Logan by encouraging residential neighborhoods characterized by affordable housing, articulated buildings, densely planted courtyards and attractive sidewalks.

The proposed affordable multi-family development is consistent with other projects located within ½ block of the project sites within the Community Plan and Redevelopment Area. Regarding urban design, the project design promotes an atmosphere conducive to enhancing the pedestrian experience through sidewalks, pedestrian friendly building components such as a community room near the sidewalk that activate the streetscape, enhanced landscaping within the public right-of-way, architectural detailing, usable central courtyards and tree plantings. With respect to affordable housing, the project is 100 percent affordable to low income households. The mix of 2-, 3-, and 4- bedroom units in the proposed project would house households of various income levels and sizes, thus accommodating a variety of housing types and encouraging the provision of housing for all citizens of San Diego.

2. The proposed use will not be detrimental to the health, safety and general welfare or persons residing or working in the area and will not adversely affect other properties in the vicinity. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed affordable multi-family development consists of

eighty-nine rental units located across the street from each other on separate parcels at 1629 and 1668 National Avenue. The property located at 1629 National Avenue was previously used as an auto dismantling yard, and is now vacant except for a dilapidated single family structure that will be demolished as part of the construction. The property located at 1668 National Avenue is currently vacant.

The project will revitalize a blighted area by providing much needed affordable residential housing in an existing residential and office area. The project would be consistent with the surrounding uses and would coexist with minimum adverse effects on the environment. In addition, the project will eliminate the current blighted condition of the two separate parcels. A new affordable multi-family development will revitalize the area, prevent future blight, and increase property values by acting as a catalyst for further development.

A Mitigated Negative Declaration was prepared for the project and a MMRP will be adopted to mitigate potential impacts. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development.

All proposed construction will comply with state and local codes and regulations for construction. In addition, Site Design BMPs are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. The project will be in compliance with the City's current regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

The affordable multi-family project will comply with all state and local codes and regulations, revitalize a blighted area, and create an area that is both visually and environmentally pleasing. Such an enhancement to the community would, therefore, not be detrimental to the public health, safety, or welfare of the community.

3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site. The proposed multi-family development consists of eighty-nine affordable housing units. All proposed construction would comply with state and local codes and regulations for construction.

The project will reserve all of eighty-nine of the units for households earning no more than 60 percent of the AMI and, therefore, qualifies for a density bonus. The developer has requested a 17 percent density bonus under the City's Affordable Housing Density Bonus Regulations, bringing the total number of allowed units to eighty-nine units. Because 100 percent of the units will be affordable to low income households, the density bonus is necessary for the project to remain economically feasible.

As a qualifying affordable housing development, the project also qualifies for deviations from the SDMC requirements for front yard setbacks, side yard setbacks, rear yard setbacks, maximum lot size, side yard landscaping, private exterior open space, and parking. Certain deviations are also authorized by the Planned Development Permit for the project.

C. PLANNED DEVELOPMENT PERMITS:

1. 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 proposed affordable housing multi-family development will consist of eighty-nine rental units located on separate parcels across the street from each other at 1629 and 1668 National Avenue. All of the affordable units will be available to households earning no more than 60 percent of the AMI and would allow for the creation of affordable housing for existing residents of the community.

The project site is located within the Barrio Logan/Harbor 101 Community Plan Area and development is governed by the Barrio Logan Planned District Ordinance, which implements the goals and objectives of the Barrio Logan/Harbor 101 Community Plan.

Barrio Logan is an older residential-industrial community bounded by the San Diego Bay on the west, the Centre City Redevelopment Area to the north, Interstate 5 to the east and National City to the south. Existing uses surrounding the sites include office, single and multi-family dwelling units, a convenience store, auto salvaging, dry cleaning, and a meat distribution center.

The project would amend the Barrio Logan/Harbor 101 Community Plan to change the land use designation on the project sites to a High Density Residential designation with a density range of 45 to 74 units per acre. The proposed RM-3-9 zone allows for the development of one unit per every 600 square feet of land area. With a project site of approximately 1.04 acres (45,500 square feet), the project site would allow for the development of seventy-six dwelling units. The developer has requested a 17 percent density bonus under the density bonus regulations, bringing the total number of allowed units to eighty-nine units. Because 100 percent of the units will be affordable to low income households, the density bonus is necessary for the project to remain economically feasible.

The proposed change to residential use is consistent with the goals stated in the City's General Plan, the Barrio Logan Redevelopment Plan and the Community Plan. First, Goal 4 of the Housing Element of the General Plan calls for a significant increase in the number of affordable housing opportunities for low-income renters. The proposed increase in affordable housing stock would implement this Goal of the Housing Element and would help the City address its shortage of affordable housing stock during a time when City Council has determined that the City of San Diego is in an affordable housing state of emergency.

Second, the Barrio Logan Redevelopment Plan encourages a balanced mix of new housing stock, including low- and moderate-income housing, and contains other specific land use recommendations applicable to the site, which include achieving an environment that reflects a high level of concern for architecture, landscape, urban design and land use principles. The

Redevelopment Plan also encourages the development of housing that satisfies the needs of various age, income, family size, and ethnic groups within the community, and maximizes opportunity for individual choice. The Redevelopment Plan seeks to retain the integrity of Barrio Logan by encouraging residential neighborhoods characterized by affordable housing, articulated buildings, densely planted courtyards and attractive sidewalks.

The proposed affordable multi-family development is consistent with other projects located within ½ block of the project site. Regarding urban design, the project design promotes an atmosphere conducive to enhancing the pedestrian experience through sidewalks, pedestrian friendly building components such as a community room near the sidewalk that activate the streetscape, enhanced landscaping within the public right-of-way, architectural detailing, usable central courtyards and tree plantings. With respect to affordable housing, the project is 100 percent affordable to low income households. The mix of 2-, 3-, and 4- bedroom units in the proposed project would house households of various income levels and sizes, thus accommodating a variety of housing types and encouraging the provision of housing for all citizens of San Diego.

Third, one of the major goals in the Community Plan is to develop a circulation/ transportation network in the community, organizing automobile circulation patterns, parking, and encouraging the development of other modes of transportation. One way to address the goal is to provide additional accessibility for transit-dependent populations. The project sites are located within walking distance of public transit that would offer community choices to future residents of the projects. Because the subject sites are located within two blocks of the 12th Street Trolley Station and with 500 feet of Metropolitan Bus Stops, the project will help to create a pedestrian friendly transportation network which will help minimize circulation conflicts. For both sites, the project also proposes to provide access to parking from the alley, which further enhances the pedestrian experience in terms of walkability and pedestrian connectivity.

The proposed change to a residential use will allow the development of affordable housing at a time when the City Council has determined that the City of San Diego is in an affordable housing state of emergency. In addition, the project meets the Community Plan's goal of providing both a balanced mix of new housing stock and accessibility to a transportation network for a the project's tenants. As such, the project will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed affordable multi-family development consists of eighty-nine rental units located across the street from each other on separate parcels at 1629 and 1668 National Avenue. The property located at 1629 National Avenue was previously used as an auto dismantling yard, and is now vacant except for a dilapidated single family structure that will be demolished as part of the construction. The property located at 1668 National Avenue is currently vacant.

The project will revitalize a blighted area by providing much needed affordable residential housing in an existing residential and office area. The project would be consistent with the surrounding uses and would coexist with minimum adverse effects on the environment.

In addition, the project will eliminate the current blighted condition of the two separate parcels. A new affordable multi-family development will revitalize the area, prevent future blight, and increase property values by acting as a catalyst for further development.

A Mitigated Negative Declaration was prepared for the project and a MMRP will be adopted to mitigate potential impacts. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development.

All proposed construction will comply with state and local codes and regulations for construction. In addition, Site Design BMPs are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. The project will be in compliance with the City's current regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

The affordable multi-family project will comply with all state and local codes and regulations, revitalize a blighted area, and create an area that is both visually and environmentally pleasing. Such an enhancement to the community would, therefore, not be detrimental to the public health, safety, or welfare of the community.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed affordable family multifamily development consists of new construction of eighty-nine units in two 'U' shaped 4-story, Type V buildings over Type I concrete subterranean parking. All proposed construction would comply with state and local codes and regulations for construction.

The project proposes deviations to the development standards of the City of San Diego Land Development Code for front yard setback, side yard setback, rear yard setback, maximum lot size, side yard landscaping, private exterior space and parking. The project exceeds the Inclusionary Affordable Housing Requirements and Council Policy 600-27 (A) criteria for the Affordable/In-Fill Housing Expedite Program by restricting all residential units (100 percent) for occupancy by, and at rents affordable to, households earning between 30 percent and 60 percent of the AMI.

Each of the requested deviations would be necessary to allow 100 percent of the units to be affordable housing rental units, given the size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed project will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Los Vientos project will provide numerous benefits to the Barrio Logan community, including greatly needed affordable housing, on-site social services, community investment, redevelopment and the removal of blight. There is a tremendous need for housing in the area, particularly affordable housing for the local workforce, including housing to serve the adjacent employment/industrial lands.

Goal 4 of the Housing Element of the General Plan is to significantly increase the number of affordable housing opportunities both for low-income renters and first-time homebuyers. The Barrio Logan Redevelopment Project Plan also has a goal to "create a balanced mix of new housing stock, including low- and moderate-income housing..." The proposed increase in affordable housing stock would implement the Goal of the Housing Element, the Barrio Logan Redevelopment Project Plan, and would help the City address its shortage of affordable housing stock during a time when City Council has determined that the City of San Diego is in a housing state of emergency.

The proposed project will involve the development of eighty-nine multifamily rental housing units on parcels located at 1629 and 1668 National Avenue and will provide housing for the households earning between 30 percent and 60 percent of the AMI.

In addition, the proposed project is located within one-third of a mile of existing public transit, including trolley service and several bus routes, providing much needed transportation options near affordable housing. The project is located approximately two blocks of the 12th Street Trolley Station as well as within 500 feet of Metropolitan Bus Stops. The area is served by bus routes 4, 11, 929, eighty-nine1 and 932. Logan Avenue is served by bus routes 11 and 932. Imperial Avenue is served by bus route 4. Sigsbee Street is served by bus route 929. National Avenue is served by bus route eighty-nine1. These routes provide access to the area, as well as transfer opportunities to and from locations outside of the area. The proposed project was purposely located within close proximity to transit opportunities in order to promote the use of alternate transportation and provide easier access to employment opportunities.

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 deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The project would be consistent with the recent residential development in the area, and the deviations are necessary for the feasibility of an affordable multi-family development at the project site.

The following deviations have been requested by the applicant and are supported by staff:

Front Yard Setbacks - A deviation from SDMC section 131.0443(f) (1) for the required front 20 foot setback.

The RM-3-9 zone generally requires a 20 foot front setback; however, up to 50 percent of the width of the building envelope may observe a minimum 10 foot setback. The setback for one corner of each parking structure, however, will be less than the minimum required setback. On the 1629 site the setback will be short 8 feet, 6 inches and on the 1668 site the setback will be short 8 feet. The building walls above the parking structure on the 1629 site exceed the allowed 50 percent reduction in the front setback by 2 percent on the first level (78 feet of bldg envelope with a 10 foot setback). On the 2nd, 3rd and 4th floors are at 46.75 percent. The building walls at the 1668 site comply with the 50 percent width requirement (45.75 percent (80 feet out of 175 feet total). Thirty-five feet of these walls come out to within 2 feet of the property line to allow access to community areas and activate the street.

The parking structures encroach into the setbacks in one corner of each lot where the topography slopes to reveal the structure. To satisfy the City's parking requirements, the project had to maximize the capacity of the garages. The parking garages are generally subterranean, but on each site one corner slopes away to reveal the building. To make the garages fully subterranean would have required lowering the whole building, which would have forced the structure into the water table resulting in increased construction costs to fund waterproofing and water pumps. The resulting increase in the construction cost would be economically infeasible for a project reserving 100 percent of the units as affordable housing. In addition, the longer ramps necessary to access this lower level would reduce the number of parking spaces; this would require another deviation and would result in the loss of one 3-bedroom affordable housing unit on each site (two 3-bedroom units in total). Subterranean parking enables the project to avoid impacting the street parking in the surrounding area.

The 1668 street wall is being activated by bringing a portion of the community rooms down to the street level as directed by Long Range Planning and the Redevelopment Agency; this also allows easier access for the residents of the 1629 site to the shared amenities.

The deviation for the building above on the 1629 site allows an amenities room to overlook the tot lot and the main entrance to provide visual surveillance of these areas.

Side Yard Setbacks - A deviation from SDMC Section 131.0443(f) (2) for the required side setbacks.

The RM-3-9 setbacks are 10 percent of the lot width (15 feet on 1629 and 17.5 feet on 1668). The buildings proposed will exceed the minimum permitted by between 1 foot to 10 feet on the 1629 site and 7 feet to 13 feet on the 1668 site. The parking structures on each site will exceed the minimum permitted by between 10 feet to 14 feet on the 1629 site and 13 feet on the 1668 site.

Strict compliance with the RM-3-9 setbacks would cause a loss of 20 feet of width on the 1629 site and 25 feet of width on the 1668 site. To meet these setback requirements would require a redesign that would result in the loss of at least four low income dwelling units on each site (eight total) and possibly more. The loss of this many units would make

the project economically infeasible. This change would also reduce the size of the interior courtyard, which is its most usable community space. The majority of the encroachments into the side setbacks on both sites are for the exterior private space and exterior storage. This allows for 100 percent of the proposed units to have exterior private space and exterior storage instead of the 75 percent required.

The parking structures encroach into the setbacks in one corner of each lot where the topography slopes to reveal the structure. To satisfy the City's parking requirements, the project had to maximize the capacity of the garages. The parking garages are generally subterranean, but on each site one corner slopes away to reveal the building. To make the garages fully subterranean would have required lowering the whole building, which would have forced the structure into the water table resulting in increased construction costs to fund waterproofing and water pumps. The resulting increase in the construction cost would be economically infeasible for a project reserving 100 percent of the units as affordable housing. In addition, the longer ramps necessary to access this lower level would reduce the number of parking spaces; this would require another deviation and would result in the loss of one 3-bedroom affordable housing unit on each site (two 3-bedroom units in total). Subterranean parking enables the project to avoid impacting the street parking in the surrounding area.

Rear Yard Setbacks - A deviation from the required rear setback of 5 feet in the RM-3-9 zone.

Both sites exceed the minimum required rear yard setback by between 18 inches and 4 feet.

The RM-3-9 zone requires a 5 foot rear setback, which would cause a loss of 2 feet of buildable area along the rear alley of each site. To meet this setback requirement would require a redesign that would result in the loss of at least four low income dwelling units. The loss of this many units would make the project economically infeasible and reduce the number of available affordable housing units in the City during an affordable housing crisis. This change would also reduce the size of the interior courtyard, which is its most usable community space. The majority of the encroachments into the rear setback on both sites are for the exterior private space and exterior storage. This allows for 100 percent of the proposed units to have exterior private space and exterior storage instead of the 75 percent required.

Maximum Lot Size - A deviation from the Barrio Logan Planned District Ordinance 14,000 square foot maximum lot size with a frontage of 100 feet.

The project lot size will be 21,000 square feet with a 150 feet of frontage for the south lot (1629 National Ave.) and 24,500 square feet with 175 feet of frontage for the north lot (1668 National Ave.). The lot size proposed is required to achieve the number of units necessary to make the project economically viable and to ensure that all of the units will be affordable to low income households. Without this deviation, the development would require a significant redesign to meet current development standards, resulting in a loss of

units that would make the project economically infeasible and reduce the number of available affordable housing units in the City during an affordable housing crisis.

Side and Rear Yard Landscaping - Reduction or elimination of side and rear yard landscaping requirements.

The project is required to fulfill 60 plant points for the "remaining yard." Landscape calculations are included on sheets LD-1 & LD-2 for each site (1629 and 1668). The parking structure occupies most of the site requiring that landscaping will have to be provided in pots and planters. Because the remaining yard (side area of buildings) is taken up entirely by the podium deck and the building footprint there is no 'remaining yard' to count. Planters with trees and shrubs are indicated in the landscape development plans for both sites to replace the landscaping and soften the podium level.

The size of the footprint of the building is necessary to provide 100 percent affordable units and related onsite parking in a quantity that yields an economically feasible project.

Private Exterior Open Space - A deviation from SDMC section 131.0455(c) for required private exterior open space.

SDMC section 131.0455(c) requires that at least 75 percent of the dwelling units to have more than 60 square feet of open space per dwelling unit, with a minimum dimension of 6 feet. These spaces, generally, cannot be closer than 9 feet from the property line

This project provides balconies for 100 percent of the units for a total of 4,712 square feet of open space attached to each dwelling unit. The balconies range in size from 45 square feet to 83 square feet, the minimum dimension is 5 feet and they are 5 feet from the property line.

This deviation allows the project to provide all of the units with private exterior open space and is necessary to provide 100 percent affordable units onsite. Without this deviation, the development would require a significant redesign to meet current development standards, resulting in a loss of affordable housing units during a City-wide affordable housing crisis that would make the project economically infeasible.

Parking - A deviation from the minimum parking requirement

Per SDMC Table 142-05C, the minimum parking requirement for a project consisting of fifty 2-bedroom (1.75 spaces per unit), thirty-five 3-bedroom (2.0 spaces per unit), four 4-bedroom units (2.0 spaces per unit), located within a transit area would be 166 parking spaces. The project will provide 163 parking spaces and therefore will be deficient by up to three parking spaces.

Inclusion of the additional three parking spaces would require enlarging the subterranean parking with a subsequent economic impact that would make the project economically infeasible. A deviation from the minimum parking requirement allows the parking area to be accessible from the alley, thereby reducing vehicular and pedestrian path conflicts.

D. COASTAL DEVELOPMENT PERMIT:

1. **The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The proposed affordable multi-family development is located on separate parcels across the street from each other at 1629 and 1668 National Avenue. The proposed site does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas and, therefore, the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in a Local Coastal Program land use plan. Currently, no ocean or scenic coastal views exist from any public vantage points through the project site. Therefore, the proposed development will not negatively impact public views to and along the ocean and other scenic coastal areas.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The project site does not contain any environmentally sensitive land. The property located at 1629 National Avenue was previously used as an auto dismantling yard, and is now vacant except for a dilapidated single family structure that will be demolished as part of the construction. The property located at 1668 National Avenue is currently vacant. Because the project site does not contain any environmentally sensitive lands, the proposed development will not adversely affect environmentally sensitive lands.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The proposed development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

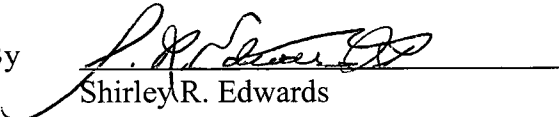
4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The proposed development is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, therefore, this finding is not applicable to the project.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 341663/Coastal Development Permit No. 341662/ Planned Development Permit No. 417547 is granted to

AMCAL Los Vientos Fund, L.P., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
03/05/07
03/21/07 COR.COPY
Or.Dept:DSD
R-2007-854
MMS #4473

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 42-6474

SITE DEVELOPMENT PERMIT NO. 341663
PLANNED DEVELOPMENT PERMIT NO. 417547
COASTAL DEVELOPMENT PERMIT NO. 341663
LOS VIENTOS PROJECT NO. 103439 [MMRP]
CITY COUNCIL

This Site Development Permit/Planned Development Permit/Coastal Development Permit is granted by the City Council of the City of San Diego to AMCAL Los Vientos Fund, L.P., Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0504, 126.0601, and 126.0701. The project site is located at 1629 National Avenue (South Lot) and 1668 National Avenue (North Lot) in the Barrio Logan Planned District Redevelopment Subdistrict Light Industry/Commercial Use Zone (proposed RM-3-9 zone), Coastal Overlay Zone, Transit Overlay Zone, and Residential Overlay Zone of the Barrio Logan/Harbor 101 Community Planning Area. The project site is legally described as Lots 36 through 41, Block 132, and Lots 13 Through 19, Block 138 of Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's addition, in the City of San Diego, County of San Diego, State of California, According to Map No. 209, Filed in the Office of the County Recorder of San Diego County, July 11, 1870.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct eighty-nine rental housing units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAR 26 2007, on file in the Development Services Department. Sixteen of the total units will be affordable to low income households for the term specified in this permit.

The project or facility shall include:

- a. Eighty-nine for rent units in two buildings with four stories of 2-, 3- and 4-bedroom units (Type V). forty-three units at 1629 over one level of subterranean parking, and forty-six units at 1668 over two levels of subterranean parking (Type I concrete construction), both buildings include tot lots and laundry facilities. A common computer room and community room with a kitchen are provided at 1668 National Avenue;

R- 302484

- b. The underlying zoning authorizes seventy-six units. In exchange for reserving 20 percent of the pre-density bonus units (sixteen units) for occupancy by, and at rents affordable to, households earning no more than 60 percent Area Median Income [AMI], the project is granted a density bonus, bringing the total number of allowed units to eighty-nine units;
- 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. Prior to issuance of any construction permits, the applicant shall provide documentation that the Local Coastal Program Amendment has been certified by the California Coastal Commission.

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" 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 103439 satisfactory to the City Manager and City Engineer. Prior to the issuance of any building permits, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Archaeological Resources, Paleontological Resources and Health and Safety.

AFFORDABLE HOUSING REQUIREMENTS:

13. The Project is subject to both the provisions of the City's Affordable Housing Density Bonus Regulations and the requirements of the Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). To meet these requirements, the Owner/Permittee shall provide at least sixteen units for occupancy by, and at rents affordable to, households earning no more than 60 percent AMI. Eight of the units will be reserved for a term of 30 years and eight of the units will be reserved for a term of 55 years.

14. Prior to receiving the first Certificate of Occupancy, the Owner/Permittee shall enter into an agreement with the San Diego Housing Commission to assure that at least sixteen affordable units are built, occupied by eligible households, and leased at appropriate rents.

PLANNING/DESIGN REQUIREMENTS:

15. 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.

16. This permit grants the project the right to deviate from the following regulations of the underlying zone(s) provided the Project remains in substantial conformity to the Exhibit "A":

- a. Front yard setbacks;
- b. Side yard setbacks;
- c. Rear yard setbacks;
- d. Maximum lot size;
- e. Side and Rear yard landscaping;
- f. Private exterior open space; and
- g. Parking.

17. 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.

18. 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.

19. 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.

20. 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.

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

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

23. 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.

24. 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."

LONG RANGE PLANNING REQUIREMENTS:

25. Provide a continuous horizontal reveal, or reglet detail, below the top of parapet, to delineate the termination of the wall. Utilize differentiated color above this line to further reinforce this transition.

26. Provide high quality windows which are recessed approximately 4" providing a shadow line at all openings.

27. Provide an Art element such as a mural on the 1629 National Avenue site.

28. Utilize warm and bright colors to match community character.

ENGINEERING REQUIREMENTS:

29. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is in accordance with the approved plans.
30. This project proposes to export 24,900 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC section 141.0620(i).
31. Prior to building occupancy, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for any private sidewalk underdrains and/or curb outlets located in the public right-of-way.
32. Prior to building occupancy, the applicant shall assure by permit and bond the replacement of the existing driveway openings along the project's National Avenue frontage with city standard curb gutter and sidewalk.
33. Prior to building occupancy, the applicant shall assure by permit and bond the replacement of the curb which does not have concrete gutter with City standard curb and gutter, adjacent to the site on National Avenue, satisfactory to the City Engineer.
34. Prior to building occupancy, the applicant shall assure by permit and bond the replacement of damaged portions of sidewalk along the projects National Avenue frontage, satisfactory to the City Engineer.
35. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
36. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
37. Prior to the building occupancy, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

LANDSCAPE REQUIREMENTS:

38. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Land Development Manual 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."

39. Prior to issuance of any construction permits for public 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.

40. 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.'

41. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A." 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 LDC section 142.0403(b)5.

42. Prior to Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

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

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

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

WATER REQUIREMENTS:

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

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

48. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

49. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards. The City will allow the Back Flow Prevention Device [BFPD] and Water Meter Assembly to be installed in the public right of way, perpendicular to the water lateral, provided that the developer shall agree to provide an Encroachment Removal and Maintenance Agreement [EMRA] for the BFPD in the public right of way.

TRANSPORTATION DEVELOPMENT:

50. No fewer than 159 automobile spaces, four accessible parking spaces, fifty-one bicycle spaces, and nine motorcycle space 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 Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

51. Prior to the issuance of any building permits, applicant shall provide a shared parking agreement between the two properties in order to provide twenty-five parking spaces at 1668 National Avenue to be used by residents at 1629 National Avenue.

52. Prior to the issuance of any building permits, applicant shall assure by permit and bond the re-striping of National Avenue between Commercial Street and Sigsbee Street to include one travel lane in each direction, two-way left turn lane and modify existing shared through-left turn lane at National Avenue/16th Street intersection to a dedicated left-turn lane, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

53. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

54. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

55. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check. In addition, the developer shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

56. All on-site wastewater systems shall be private.

57. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within ten feet of any public sewer facilities.

58. Proposed sewer easement vacation shall have City Council approval.

FACILITIES FINANCING REQUIREMENTS:

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

INFORMATION ONLY:

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

APPROVED by the Council of the City of San Diego on MAR 26 2007 by
Resolution No. R- 302484.

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.

AMCAL LOS VIENTOS FUND, L.P.
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04