

RESOLUTION NUMBER R- 302674DATE OF FINAL PASSAGE JUN - 4 2007

WHEREAS, 6050 El Cajon Boulevard, LLC, Owner/Permittee, filed an application with the City of San Diego for a site development permit to demolish an existing vacant 1-story, 45-unit motel and 2-story, 10-unit apartment building and construct a 4-story mixed-use structure containing a combined total of sixty-five 1-, 2-, and 3-bedroom units (to include seven affordable units) and 3,000 square-feet of commercial retail space, known as the Aztec Budget Inn Redevelopment project, located at 6050 El Cajon Boulevard, and legally described as All of lots 5, 6, 12, and 13 and that portion of Lot 7 lying northwesterly of a line beginning at the northwesterly corner of the easterly 15 feet of Lot 10 and extending in a straight line to a point on the northerly boundary of said Lot 7 distant thereon 15 feet easterly from the northwesterly corner of said Lot 7, all being in Block 7 of El Retiro, in the City of San Diego, County of San Diego, State of California; according to Map thereof No. 1996 filed in the Office of the County recorder of San Diego County, February 2, 1927, in the College Area Community Plan area, in the CU-2-4 zone and RM-3-8 zone (proposed to be rezone to RM-3-9) of the Central Urbanized Planned District, and within the Crossroads Redevelopment Project area; and

WHEREAS, on March 20, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 265960, and pursuant to Resolution No. 4236-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 JUN - 4 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. 265960:

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

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The Aztec Budget Inn Redevelopment Project proposes to demolish an existing vacant 1-story, 45-unit motel and 2-story, 10-unit apartment building and construct a total of sixty-five dwelling units (fifty-eight market-rate and seven affordable at 100 percent Area Median Income [AMI]) and 3,000 square feet of commercial in one 4-story building.

The project site is currently zoned CU 2-4 and RM 3-8. The portion of the site currently zoned RM 3-8 would be rezoned to RM 3-9. The proposed RM-3-9 zone and the existing CU 2-4 zone both allow for the development of one unit per every 600 square feet of land area. With a project site of approximately 0.94 acres (40,991 square feet), the project site would allow for the development of sixty-eight dwelling units.

The College Area Community Plan designates the southern portion of the site (0.23 acres) for General Commercial permitting residential development at a density of 45 to 110 dwelling units per acre [du/ac] and the northern portion of the project site (0.71 acres) for High Density Residential at 45 to 75 du/ac. Based on the total project site area and recommended residential densities, 41 to 78 dwelling units could potentially be developed on-site. The project proposal to develop sixty-five residential units and approximately 3,000 square feet of commercial retail space would implement the community plan land use recommendations for the site.

The northern portion of the site is zoned RM-3-8 which conforms to the High Density Residential designation in the community plan. A rezone to RM-3-9 is proposed to achieve the density of 65 du/ac allowed per the High Density Residential Designation in the community plan. The proposed rezone to RM-3-9 would also conform to the existing High Density Residential Designation and would not exceed the existing planned density of 45-75 du/ac in the community plan for this portion of the site.

The proposed project would be located in close proximity to the College Avenue and El Cajon Boulevard intersection, which is identified as a commercial node in the community plan. The community plan encourages pedestrian-oriented mixed and multiple use development in the node area and identifies transportation corridors such as El Cajon Boulevard for higher density residential use. The project proposes approximately 3,000 square feet of commercial development fronting on El Cajon Boulevard with residential units located above and to the rear. Parking would be located behind the commercial uses and in a subterranean parking garage. The proposed mixed-use project would implement the recommendations of the community plan to locate higher density residential development along transportation corridors and would contribute to the plan vision to create a mixed-use commercial node at the intersection of College Avenue and El Cajon Boulevard.

Surrounding uses include single- and multi-family housing to the west and north of the site. The community plan recommends that new multi-family housing adjacent to lower density development be designed to achieve transitions between densities and compatibility in design. A portion of the western property line abuts a single-family residential neighborhood. The proposed project would observe additional setbacks beyond the required setbacks at the ground and upper floors adjacent to the single-family residences. At the ground floor a 10 foot setback would be observed where 5 feet is required and the structure would step back an additional 33 feet for the third and fourth stories. Landscaping including screening trees, shrubs and planted wall-mounted lattice would be used to screen and buffer the project from the adjacent residences. These features would meet the intent of the residential and urban design recommendations of the plan to create a transition and compatibility in design between higher and lower density residential use.

The project applicant has made a conscious effort to achieve balance and compatibility in design and to provide transitions between existing structures and the project. The project will avoid any street wall effect by articulating the structure and incorporating upper level setbacks. Building surfaces will be articulated and textured to reduce their apparent size and to reflect patterns in the existing surrounding buildings. Trash enclosures, parking areas and service areas will be screened from the adjacent residential neighborhood. Off-street parking areas will be placed underground and behind the commercial units, and will be enclosed, thereby minimizing the off-street parking areas' visual impact on the site and the surrounding neighborhood. Bicycle parking spaces have also been incorporated into the design of the project.

The community plan recommends that all new multi-family development provide a variety of recreational facilities and that the facilities be distributed uniformly throughout the project. Recreational opportunities would be provided for the residents of the project through a ground floor courtyard, which would include landscaping, benches, patio tables, and barbecues and provide a social gathering area that would meet the intent of the community plan recommendations for recreational facilities. Therefore, the proposed development will not adversely affect the applicable community plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The Aztec Budget Inn Redevelopment Project proposes to demolish an existing vacant 1-story, 45-unit motel and 2-story, 10-unit apartment building and construct a

total of sixty-five dwelling units (fifty-eight market-rate and seven affordable at 100 percent AMI) and 3,000 square feet of commercial in one 4-story building.

The proposed land development is located within the Crossroads Redevelopment Project Area. The Crossroads Redevelopment Environmental Impact Report (SCH No. 2002071002), dated December, 2002, has been completed and certified for the project area. Because of additional impacts associated with the project that were not identified in the redevelopment EIR, a Mitigated Negative Declaration (MND) was prepared. The project would be required to comply with all mitigation measures described within the MND. These mitigation measures include those measures outlined in the Crossroads Redevelopment Environmental Impact Report which are applicable to the project as well as those identified as specific to the project.

In addition, the proposed development embraces the objectives of the College Area Community Plan to achieve economic and physical revitalization along the north side of El Cajon Boulevard through the development of a mixture of retail and multi-family housing. The vacant motel and older apartment units existing on the site contribute to the general blight and disrepair of the area. The proposed development would replace the existing development with sixty-five new residential condominiums and 3,000 square feet of retail space along the frontage of El Cajon Boulevard. All proposed construction would comply with state and local codes and regulations for construction.

Site Design Best Management Practices [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. Therefore, the project will 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 Aztec Budget Inn Redevelopment Project proposes to demolish an existing vacant 1-story, 45-unit motel and 2-story, 10-unit apartment building and construct a total of sixty-five dwelling units (fifty-eight market-rate and seven affordable at 100 percent AMI) and 3,000 square feet of commercial in one 4-story building. All proposed construction would comply with state and local codes and regulations for construction.

The project site is currently zoned CU 2-4 and RM 3-8. The portion of the site currently zoned RM 3-8 would be rezoned to RM 3-9. The proposed RM-3-9 zone and the existing CU 2-4 zone both allow for the development of one unit per every 600 square feet of land area. With a project site of approximately 0.94 acres (40,991 square feet), the project site would allow for the development of sixty-eight dwelling units.

The project proposes to deviate from the San Diego Municipal Code [SDMC] requirements for side- and front-yard setbacks, storage space, and tandem parking. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the

regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the appropriate findings can be made based on the following information.

Side-Yard Setbacks: The applicant is requesting deviations to the side-yard setback requirement by proposing a 10-foot setback facing the north and a 5-foot setback to the south, where a 14-foot, 6-inch side yard setback is required.

The project proposes the setback deviations in an effort to maximize the site's efficiency and usable land and thereby minimizing the loss of units, including affordable housing. The project site is constrained by an irregular shaped configuration that limits the overall building and planning design. The project is designed with deviations to the required setbacks along the side yards. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building.

As recommended in the Community Plan, the project is also designed with a transition between the single-family residential homes to the north and the proposed 4-story development. The transition includes a 10-foot setback at ground level and a 2-story building element facing the single-family homes. The building steps back an additional 33 feet from the 2-story element as it transitions into a 4-story building. The project originally included seventy-five units; however the transition resulted in the loss of ten units. The requested setback deviations would allow for the development of sixty-five residential units when the City is experiencing an shortage of affordable housing.

Front Setbacks (along Soria Drive): The applicant is requesting that 85 percent of the elevation for the building envelope have a 10-foot front yard setback and the remaining portion with a 20-foot front yard setback, where the SDMC requirement states that 50 percent of the elevation for the building envelope should conform to a 10-foot front yard setback and the remaining part of that elevation should conform to a 20-foot front yard setback.

The project site is constrained by an irregular shaped lot configuration that limits the project architectural and planning design. The front yard deviation would allow a more flexible and creative mixed-use design that will help blend the city code requirements outlined in the RM 3-9 and CU 2-4 zones. The proposed front yard deviation is appropriate for this location and would result in a more desirable project with more appropriate massing, and a more articulated building. The design of the front elevation enables additional movement and detail by stepping the building back and forth, creating an enhanced elevation and complying with the intent of the zoning regulations.

Personal Storage Space per Residential Unit: The applicant is requesting to deviate from the SDMC personal storage regulations of the RM zones by proposing 202 cubic feet of storage for each of the sixty-five residential units, or 13,140 cubic feet, where the SDMC requires at least 240 cubic feet of personal storage space per residential unit, or 15,600 total cubic feet. The applicant is proposing that 3,285 cubic feet of personal storage space be located on each of the four floors in the residential portion of the development, rather than in the subterranean garage. Such a location offers the convenience of a central storage room for each of the four residential levels, allowing for a better and more efficient storage design. The requested

deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-five multi-family residential units, including seven units affordable to families earning no more than 100 percent AMI, when the City is experiencing a shortage of affordable housing, and ensuring the feasibility of the project.

Tandem Parking: The project location does not fall within the limits of the Tandem Parking Overlay Zone. The applicant is requesting a deviation from the SDMC section governing the tandem parking overlay zone by requesting that on-site tandem parking spaces be counted towards meeting the SDMC parking requirements.

The Shared Parking regulations of the SDMC require a total of 127 parking spaces. The applicant proposed to meet a portion of that requirement by providing sixty tandem parking spaces, or approximately 47 percent of the total parking spaces. The remaining spaces would be standard and accessible parking spaces. The project proposes the parking deviation in an effort to maximize the site's efficiency and usable land, while minimizing the loss of units, including affordable housing.

The project site is constrained by an irregular shaped lot configuration that limits the project efficiency with respect to garage design. The tandem spaces will be assigned to the 2- and 3-bedroom units, with access to the individual units via the elevators located in the garage levels, in close proximity to the tandem parking spaces. This deviation is necessary to ensure the number of affordable units and the economic feasibility of the project.

Additionally, the applicant has cited that meeting the San Diego Municipal Code requirements governing setbacks, personal storage space, and tandem spaces would render the project financially infeasible due to the increase costs associated with a reduction in the square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Other than deviations and justification for support described above, the proposed development would comply with the applicable regulations of the San Diego Municipal Code. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

2. Supplemental Findings – Deviations for Affordable In-Fill Housing Projects and Sustainable Buildings – SDMC section 126.0504(m)

a. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, selfgeneration and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. The Aztec Budget Inn Redevelopment Project proposes to demolish an existing vacant 1-story, 45-unit motel and 2-story, 10-unit apartment building and construct a total of sixty-five dwelling units (fifty-eight market-rate and seven affordable at 100 percent AMI) and 3,000 square feet of commercial in one 4-story building. The project is subject to and meets the requirements of the Inclusionary

Affordable Housing Ordinance. The project has been conditioned to comply with the Inclusionary Housing Affordable Regulations (Chapter 14, Article 2, Division 13 of the Land Development Code) by entering into an agreement with the San Diego Housing Commission to ensure the construction and occupancy of the seven affordable housing units, to be sold at rates affordable to households earning no more than 100 percent of the AMI. Therefore, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

b. The development will not be inconsistent with the purpose or the underlying zone. The purpose of the residential zones is to provide for areas of residential development at various specified densities throughout the City. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego. The Aztec Budget Inn Redevelopment Project proposes to demolish an existing vacant 1-story, 45-unit motel and 2-story 10-unit apartment building and construct a total of sixty-five dwelling units (fifty-eight market-rate and seven affordable at 100 percent AMI) and 3,000 square feet of commercial in one 4-story building.

The project proposes to deviate from the SDMC requirements for side- and front-yard setbacks, storage space, and tandem parking. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the appropriate findings can be made based on the following information.

Side-Yard Setbacks: The applicant is requesting deviations to the side-yard setback requirement by proposing a 10-foot setback facing the north and a 5-foot setback to the south, where a 14-foot, 6-inch side yard setback is required.

The project proposes the setback deviations in an effort to maximize the site's efficiency and usable land and thereby minimizing the loss of units, including affordable housing. The project site is constrained by an irregular shaped configuration that limits the overall building and planning design. The project is designed with deviations to the required setbacks along the side yards. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building.

As recommended in the Community Plan, the project is also designed with a transition between the single-family residential homes to the north and the proposed four story development. The transition includes a 10-foot setback at ground level and a 2-story building element facing the single-family homes. The building steps back an additional 33 feet from the 2-story element as it transitions into a 4-story building. The project originally included seventy-five units; however the transition resulted in the loss of ten units. The requested setback deviations would allow for the development of sixty-five residential units when the City is experiencing an shortage of affordable housing.

Front Setbacks (along Soria Drive): The applicant is requesting that 85 percent of the elevation for the building envelope have a 10-foot front yard setback and the remaining portion with a 20-foot front yard setback, where the SDMC requirement states that 50 percent of

the elevation for the building envelope should conform to a 10-foot front yard setback and the remaining part of that elevation should conform to a 20-foot front yard setback.

The project site is constrained by an irregular shaped lot configuration that limits the project architectural and planning design. The front yard deviation would allow a more flexible and creative mixed-use design that will help blend the city code requirements outlined in the RM 3-9 and CU 2-4 zones. The proposed front yard deviation is appropriate for this location and would result in a more desirable project with more appropriate massing, and a more articulated building. The design of the front elevation enables additional movement and detail by stepping the building back and forth, creating an enhanced elevation and complying with the intent of the zoning regulations.

Personal Storage Space per Residential Unit: The applicant is requesting to deviate from the SDMC personal storage regulations of the RM zones by proposing 202 cubic feet of storage for each of the sixty-five residential units, or 13,140 cubic feet, where the SDMC requires at least 240 cubic feet of personal storage space per residential unit, or 15,600 total cubic feet. The applicant is proposing that 3,285 cubic feet of personal storage space be located on each of the four floors in the residential portion of the development, rather than in the subterranean garage. Such a location offers the convenience of a central storage room for each of the four residential levels, allowing for a better and more efficient storage design. The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of sixty-five multi-family residential units, including seven units affordable to families earning no more than 100 percent AMI, when the City is experiencing a shortage of affordable housing, and ensuring the feasibility of the project.

Tandem Parking: The project location does not fall within the limits of the Tandem Parking Overlay Zone. The applicant is requesting a deviation from the SDMC section governing the tandem parking overlay zone by requesting that on-site tandem parking spaces be counted towards meeting the SDMC parking requirements.

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Additionally, the applicant has cited that meeting the SDMC requirements governing setbacks, personal storage space, and tandem spaces would render the project financially infeasible due to the increase costs associated with a reduction in the square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Other than the requested deviations and justification for support described above, the proposed development would comply with the applicable regulations of the SDMC. Therefore, the development will not be inconsistent with the purpose or the underlying zone.

c. Any proposed 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 Aztec Budget Inn Redevelopment Project proposes to demolish an existing vacant 1-story, 45-unit motel and 2-story, 10-unit apartment building and construct a total of sixty-five dwelling units (fifty-eight market-rate and seven affordable at 100 percent AMI) and 3,000 square feet of commercial in one 4-story building.

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the RM 3-9 and CU 2-4 zones. The proposed front yard deviation is appropriate for this location and would result in a more desirable project with more appropriate massing, and a more articulated building. The design of the front elevation enables additional movement and detail by stepping the building back and forth, creating an enhanced elevation and complying with the intent of the zoning regulations.

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Other than the requested deviations and justification for support described above, the proposed development would comply with the applicable regulations of the SDMC. Therefore, the proposed 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 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. 265960 is granted to 6050 El Cajon Boulevard, LLC, 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


Roopal Shah
Deputy City Attorney

RS:pev
05/17/07
Or.Dept:DSD
R-2007-1061
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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 42-5236

SITE DEVELOPMENT PERMIT NO. 265960
AZTEC BUDGET INN PROJECT NO. 83705
CITY COUNCIL

This Site Development Permit No. 265960 is granted by the Council of the City of San Diego to 6050 El Cajon Boulevard, LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.94-acre site is located at 6050 El Cajon Boulevard in the CU-2-4 zone and the RM-3-8 (proposed RM-3-9) zone within the Central Urbanized Planned District, the Crossroads Redevelopment Project Area, and the College Area Community Planning Area. The project site is legally described as All of lots 5, 6, 12, and 13 and that portion of Lot 7 lying northwesterly of a line beginning at the northwesterly corner of the easterly 15 feet of Lot 10 and extending in a straight line to a point on the northerly boundary of said Lot 7 distant thereon 15 feet easterly from the northwesterly corner of said Lot 7, all being in Block 7 of El Retiro, in the City of San Diego, County of San Diego, State of California; according to Map thereof No. 1996 filed in the Office of the County Recorder of San Diego County, February 2, 1927.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing structures and to construct sixty-five for-sale residential units, including seven affordable units, and 3,000 square feet of retail space, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUN - 4 2007, on file in the Development Services Department.

The project or facility shall include:

- a. A total of sixty-five dwelling units (fifty-eight market-rate, seven affordable at 100 percent Area Median Income [AMI]) and 3,000 square feet of commercial in one 4-story building. The sixty-five residential units consist of twelve 1-bedroom units, forty three 2-bedroom units, and ten 3-

bedroom units, totaling 74,923 square-feet of gross floor area (including exit corridors);

- b. Off-street parking spaces to include 127 vehicle spaces consisting of fifty-one standard spaces and thirty tandem spaces (for a total of sixty parking spaces) in a 38,300 square-foot subterranean garage, and sixteen standard spaces in a 11,000 square-foot street-level garage;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Deviations from the San Diego Municipal Code [SDMC] requirements for side- and front-yard setbacks, storage space, and tandem parking, as detailed on Exhibit "A;"
- e. Accessory improvements including fire-sprinklers throughout the structure; 4,900 square-feet of ground floor open space to include landscaping, benches, patio tables, and barbecues; 3,706 square-feet of open space on second floor balconies; and landscape that screens and buffers the development from the adjacent residential homes; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. 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.

11. As conditions of Site Development Permit No. 265960, Rezone No. 265139, Vesting Tentative Map No. 285780, and Easement Abandonment No. 265140, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration [MND] No. 83705 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in MND No. 83705 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Air Quality, Noise, Historical Resources (Archeological), Paleontological Resources, and Traffic Circulation.

13. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

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

15. After project approval by the Decision-maker and prior to the issuance of any discretionary approval(s), the applicant shall deposit \$3,200 with the Development Project Manager in the Development Services Department to cover the City's costs associated with implementation of the MMRP.

16. The Environmental Review Manager [ERM] of the City's Land Development Review Division [LDR] shall verify that the following statements are shown on the grading, public improvement and building permit plans as notes under the heading, Environmental Requirements: "The Aztec Budget Inn Project is subject to a MMRP and shall conform to the mitigation conditions as contained in MND No. 83705. The Owner/Permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer and the City's Mitigation Monitoring Coordination [MMC] Section."

17. At least one week in advance of the first pre-construction meeting, the applicant shall provide written notice of the following to the City: 1) the date, time and location of the pre-construction meeting and, 2) the date and time grading or other project mobilization will occur.

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to receiving the first residential building permit, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Affordable Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to meet these requirements by reserving on-site at least 10 percent of the units (seven units) for-sale to, and at prices affordable to, households

earning no more than 100 percent AMI in accordance with the City's Inclusionary Affordable Housing Ordinance.

19. Prior to receiving the first residential building permit, the Owner/Permittee must enter into an agreement with the San Diego Housing Commission to assure that the seven affordable units are built, sold at restricted prices, and occupied by eligible households. The agreement will require Owner/Permittee to assure the following mix of affordable units: two 1-bedroom; four 2-bedroom; and one 3-bedroom.

LANDSCAPE REQUIREMENTS:

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

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

22. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under San Diego Municipal Code section 142.0403(b)5.

23. Prior to issuance of any Certificate of Occupancy or the performance of a Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

24. 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.

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

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 prior to a Certificate of Occupancy or a Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

27. No fewer than 123 automobile spaces (including sixty spaces provided within thirty tandem spaces), four accessible spaces, seven motorcycle spaces, and thirty-four bicycle spaces, shall be permanently maintained on the property within the approximate locations shown on the project's Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose unless otherwise authorized in writing by the City Manager. Should the Permittee choose to go forward with a design that consisted of sixty-three units, then 120 automobile spaces (including sixty spaces provided within thirty tandem spaces), four accessible spaces, seven motorcycle spaces, and thirty-four bicycle spaces, shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A."

28. Prior to the issuance of any building permits, applicant shall assure by permit and bond the construction of a raised landscaped median on El Cajon Boulevard between 60th Street and College Avenue and a westbound left turn lane at 60th Street, satisfactory to the City Engineer.

29. Prior to the issuance of any building permits, applicant shall assure by permit and bond the installation of a traffic signal at Arosa Street and College Avenue as designed by the City of San Diego, satisfactory to the City Engineer.

30. 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.

31. 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.

32. 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.

33. 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.

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

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

35. The applicant shall post a copy of the approved Site Development Permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer

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

37. All uses, except loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is not permitted.

38. 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.

39. 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."

40. Prior to issuance of the first building permit, views into any parking areas from the public right-of-way, with the exception of ingress/egress points, shall be screened with a combination of solid wall/fencing and/or landscaping. Screening should obscure any views of parked automobiles from the public right-of-way.

WASTEWATER REQUIREMENTS:

41. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

42. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

43. Prior to the approval of any building and/or public improvement permits, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot (or unit) will have its own sewer lateral or provide CC&R's for the operation and maintenance of all on site private sewer facilities that serve more than one lot (or unit).

44. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within fully improved public rights of way, satisfactory to the Metropolitan Wastewater Department Director.

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

46. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within fully improved public rights of way, satisfactory to the Metropolitan Wastewater Department Director.

47. Prior to the issuance of any grading or building permits, the developer shall abandon portion of the existing public sewer main within this site, in a manner satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

48. 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.

WATER REQUIREMENTS:

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

50. 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.

51. 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.

52. 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.

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 Council of the City of San Diego on JUN - 4 2007, by
Resolution No. R- 302674

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.

6050 EL CAJON BOULEVARD, LLC,
a California limited Liability Company
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04