

RESOLUTION NUMBER R- 305966

DATE OF FINAL PASSAGE JUN 29 2010

A RESOLUTION APPROVING COASTAL DEVELOPMENT PERMIT NO. 723231, PLANNED DEVELOPMENT PERMIT NO. 723233, AND SITE DEVELOPMENT PERMIT NO. 723237 FOR THE MERCADO DEL BARRIO PROJECT NO. 203874

WHEREAS, the Redevelopment Agency of the City of San Diego, a public body corporate and politic, Owner, and Shea Mercado, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for Coastal Development Permit [CDP] No. 723231, Planned Development Permit [PDP] No. 723233, and Site Development Permit [SDP] No. 723237 to construct a mixed-use development that includes 92 multi-family residential units, of which 91 for rent units will be set aside for households with an income at or below 30 to 60 percent of the Area Median Income [AMI], known as the Mercado del Barrio Project [Project], located at 1135 Cesar E. Chavez Parkway on a vacant 6.8 acre site which encompasses a two block area between Cesar E. Chavez Parkway (formerly Crosby Street) and Dewey Street, and National Avenue and Main Street in the Redevelopment Subdistrict (Mercado District) of the Barrio Logan Planned District, the Barrio Logan Redevelopment Project Area, the Coastal Overlay Zone (Non-Appealable Area 2), the Transit Area Overlay Zone, the Barrio Logan Harbor 101 Community Plan Area, and the Federal Aviation Administration [FAA] Part 77 Noticing Area of San Diego International Airport [SDIA] and North Island Naval Air Station [NAS];

The project site is legally described as Parcels 1 through 9, inclusive of Parcel Map No. 18810, in the City of San Diego, County of San Diego, State of California, filed in the Office of

the County Recorder of San Diego County, October 4, 2001 as Instrument No. 20001-0718068 of Official Records.

Together with that portion of Newton Avenue (formerly "N" Street) as dedicated per Mannasse & Shilter's Subdivision of Pueblo Lot 115, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870, as vacated by Resolution No. 295465, recorded December 24, 2001 as Instrument No. 01-0949601 of Official Records, described as follows: Beginning at the most Easterly Corner of Block 95 of said Map No. 209; Thence along the Southwesterly Line of Newton Avenue as dedicated per Map No. 209, North 50 degree 39'34" West, 150.31 feet to the most Northerly Corner of Lot 30 of said Block 95; Thence leaving said Southwesterly Line, North 29 degrees 20'26" East, 40.00 feet to the centerline of Newton Avenue; Thence along said centerline, North 50 degrees 39'34" West, 25.12 feet; Thence North 39 degrees 20'26" East, 40.00 feet to the most Southerly Corner of Lot 17 Block 129 of said Map No. 209, said point being on the Northeasterly Line of Newton Avenue; Thence along said Northeasterly Line, South 50 degrees 39'34" East, 175.36 feet to the most Southerly Corner of said Block 129; Thence along the Southwesterly Prolongation of the Northwesterly Line of Dewey Street, South 39 degrees 17'37" West, 10.20 feet to the beginning of tangent 70.00 foot radius curve, concave to the East; Thence Southwesterly, Southerly and Southeasterly along said curve, through a central angle of 89 degrees 58'54" an arc distance of 109.93 feet to a point of cusp with said Southwesterly Line of Newton Avenue, being also on the Northeasterly Line of Parcel 1 of Parcel Map No. 17172, filed in the Office of the County Recorder of said San Diego County; Thence along said Northeasterly and Southwesterly Line, North 50 degrees 41'17" West, 9.98 feet to an angle point in said Northeasterly Line of Parcel 1;

Thence continuing along said Northeasterly Line and its Northwesterly Prolongation, North 50 degrees 31'08" West, 60.00 feet to the Point of Beginning; and

WHEREAS, on May 20, 2010, the Planning Commission of the City of San Diego considered CDP No. 723231, PDP No. 723233, and SDP No. 723237 and pursuant to Resolution No. 4592-PC voted to recommend City Council approval of the permits; and

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

WHEREAS, the matter was set for public hearing on JUN 29 2010, 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 Coastal Development Permit No. 723231, Planned Development Permit No. 723233, and Site Development Permit No. 723237:

A. Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way 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 project is located on a vacant 6.8 acre site, bounded by National Avenue to the east, Main Street to the west, Cesar E. Chavez Parkway to the north and Caltrans and Coronado Bridge right-of-way to the south, and within the Redevelopment Subdistrict [Mercado District] of the Barrio Logan Planned District [BLPD], the Coastal Overlay

Zone (Non-Appealable Area 2), the Barrio Logan Redevelopment Project [RDP] Area, the Transit Area Overlay Zone, and the Barrio Logan Harbor 101 Community Plan Area.

The Urban Design Element of the Barrio Logan Harbor 101 Community Plan identifies a Bay access way northwest of the Project at the extension of Cesar E. Chavez Parkway (formerly Crosby Street). The Project will not impact this public access point. There are no other public access ways identified in the Local Coastal Program land use plan in the vicinity of the development site. The Project will not diminish public views to and along the ocean or bay.

The Barrio Logan Harbor 101 Community Plan identifies former Crosby Street (now Cesar E. Chavez Parkway) as a view corridor. The Project respects the required setbacks along Cesar E. Chavez Parkway and will therefore protect public views. There are no other identified public view points identified in the Local Coastal Program in the immediate vicinity of the project site. The proposed development will enhance public views by providing an attractive mixed-use development in an economically depressed area.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The Project will not adversely affect environmentally sensitive lands. Although the development site is currently vacant, it was previously fully developed with a mixture of outdoor storage facilities, light and heavy industrial structures, and three single-family residences. All previously existing structures were demolished in 1995, and the tenants relocated. The site currently has disturbed and bare soil overgrown in areas with ruderal weeds and scattered debris. The site is approximately 29 feet above Mean Sea Level [MSL] and is located above the 100 year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program [MSCP] Multiple Habitat Planning Area [MHPA]. Addendum No. 203874 to Environmental Impact Report [EIR] No. 90-0133/SCH No. 90010287 has been prepared for the project in accordance with section 15164 of the State of California Environmental Quality Act [CEQA] Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which would reduce, to a level below significance, some of the potential impacts identified in the environmental review process. Therefore, the Project 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 Project provides a mixed-use development that supports both commercial and residential uses in conformance with the Local Coastal Program and regulations of the certified Implementation Program. Although Barrio Logan is not considered a special community under the Coastal Act definition, since it does not serve as a visitor-destination center for recreational purposes, the California Coastal Plan designates the

Barrio Logan area as a “community with special qualities of greater than local significance.”

The proposed project implements the goals of the Local Coastal Program by reinforcing the unique ethnic character of the community and providing a pedestrian oriented mixed-use development with attractive architecture, on-site parking to satisfy the anticipated parking demand, and enhanced pavement and landscape treatments.

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 project is located on a vacant 6.8 acre site, bounded by National Avenue to the east, Main Street to the west, Cesar E. Chavez Parkway to the north and Caltrans and Coronado Bridge right-of-way to the south. The Project is approximately 1,660 feet from the shoreline of San Diego Bay. The project site is not between the nearest first public road and the sea or the shoreline of San Diego Bay. The Barrio Logan Harbor 101 Community Plan identifies Crosby Street (Cesar E. Chavez Parkway) as a view corridor. The Project will not encroach into the required setbacks along Cesar E. Chavez Parkway and will therefore not impact public views and or designated physical access way identified in the Local Coastal Program Land Use Plan. The proposed Project has been designed to meet the development regulations such as setbacks and on-site parking, and no public view, public access to water, public recreation facilities, or public parking facilities would be adversely affected by the approval of this development. Therefore, the proposed project is in conformance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. Planned Development Permit - Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is located on a vacant 6.8 acre site within the Redevelopment Subdistrict [Mercado District] of the BLPD, the Barrio Logan RDP Area, the Coastal Overlay Zone (Non-Appealable Area 2), the Transit Area Overlay Zone, the Barrio Logan Harbor 101 Community Plan Area, the FAA Part 77 Noticing Area of SDIA and North Island NAS. The project is a mixed-use development that includes 92 multi-family residential units, of which 91 units will be set aside for households with an income at or below 30 to 60 percent of the AMI with one manager unit at market rate. The Project’s residential units will be wrapped around a two and one-half story above-grade parking structure with 219 parking spaces. The project also includes an additional 209 surface parking spaces; 35,890 square-feet of general commercial or grocery uses (Northgate Market); 34,555 square-feet of retail uses; 13,865 square-feet of restaurant uses with 2,325 square-feet of outdoor seating; 2,790 square-feet of shopkeeper units included in

the residential unit count; a 445 square foot apartment leasing office; and other on- and off-site infrastructure improvements. As a component of the Project, a portion of the Project will utilize renewable energy technology (i.e., photovoltaic) and pursue US Green Building Council's Leadership in Energy and Environmental Design [LEED] certification or the equivalent, thus meeting the requirement of Council Policy 900-14, the City's Sustainable Building Policy.

The Project is consistent with the anticipated land uses for the Mercado District, which assumed mixed-use residential and commercial development in close proximity to employment centers, medical facilities and transit opportunities. In accordance with the Mercado District development standards, the floor area ratio [FAR] for the commercial use is capped at 1.5 FAR, and the residential use may not exceed 53 dwelling units [DU] per acre assuming the Affordable Housing Density Bonus Program. The Project is proposing a 1.05 total FAR for the residential plus commercial uses, and 13.5 DU per acre based on the total acreage of 6.8 acres.

The Project will connect into existing roadways and public rights-of-way at National Avenue to the east, Main Street to the west, Cesar E. Chavez Parkway to the north and Caltrans and Coronado Bridge right-of-way to the south. Improvements to the rights-of-way will be made in accordance with the PDP. The Project provides a total of 428 parking spaces on-site thereby meeting the required residential parking and exceeding the required commercial parking. The Project also accommodates 19 disabled accessible parking spaces, 10 bicycle parking spaces, and 10 motorcycle parking spaces on-site. With the proposed infrastructure improvements and on-site vehicle and bicycle parking, the Project will alleviate the blighted conditions of the adjacent streets and the parking congestion currently experienced within the adjacent area by providing on-site parking in excess of the code.

The Project is designed as a pedestrian oriented development, providing connecting pathways and plazas with adjacent facilities such as Chicano Park and Cesar E. Chavez Parkway. The project engages the Cesar E. Chavez Parkway street front with a plaza on the southwest corner of Cesar Chavez and vacated Newton Avenue. The plaza is approximately a 10,000 square foot area with landscape, enhanced pavement, seating walls, performance area, and a water feature. While the plaza will primarily be a passive use open to the general public, the area will also accommodate special events. Enhanced pedestrian walkways provide connection to adjacent transit services off-of National Avenue and Harbor Drive, where there is an existing transit stop located on the southeast corner of Cesar E. Chavez Parkway and Harbor Drive.

Therefore, the Project will not adversely affect the applicable land use plan as it is consistent with the development plan for the Mercado District of the Barrio Logan RDP area, and achieves the goals to eliminate blight and facilitate economic rehabilitation. Furthermore, the density and scale of the project is consistent with the Barrio Logan RDP for the Mercado District and similar new development within the vicinity of the project. The Project also benefits the Barrio Logan area with on-site and off-site improvements that promote pedestrian circulation throughout the site.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The Project is consistent with the Community Plan and the Barrio Logan RDP and will not be detrimental to the public health, safety or welfare. In 1991, the Barrio Logan RDP was adopted and the 1991 EIR was certified. The EIR identified traffic, aesthetics, noise, geology, air quality, population and housing, cultural resources, paleontological resources, hazardous materials (risk of upset), and cumulative impacts as having significant impacts. The EIR further identified traffic, noise, geology, air quality, cultural resources, and cumulative impacts as being unmitigated. The Mercado District has been the subject of several environmental documents and actions in the years subsequent to the certification of the 1991 EIR. In 1992, the Redevelopment Agency approved an Environmental Assessment/Finding of No Significant Impact [EA/FONSI] for the release of U.S. Housing and Urban Development [HUD] funds from the Urban Development Action Grant [UDAG] and Community Development Block Grant [CDBG]. With the proposed Project, an Addendum has been prepared in accordance with section 15164 of the CEQA Guidelines. The Project will comply with the 1991 EIR and the project specific MMRP, which has been identified accordingly in the Addendum. Implementation of the MMRP will insure that the Project will not be detrimental to the public health, safety and welfare.

The site is currently vacant, with all pre-existing structures demolished in 1995, and the tenants relocated. Development of the vacant parcel bounded by Chicano Park, Cesar E. Chavez Parkway, National Avenue and Main Street will eradicate the blighted conditions on the property along with associated nuisances. The site layout of the Project ensures that eyes are on public spaces with the orientation of units facing the park and streets, and improved pedestrian access and pathways that promote connectivity.

The Project will comply with the development regulations in effect for the subject property as set forth in the San Diego Municipal Code [SDMC], including the land use and development standards in accordance with the approved PDP and Vesting Tentative Map [VTM]. The project incorporates implementing permit conditions regarding land use restrictions and development requirements as detailed in the Barrio Logan RDP.

The Project will provide necessary sewer and water facilities to serve the development site. Police service would be provided by the Central Area Station of the San Diego Police Department, located at 801 West Market Street. Fire protection would be provided by the City of San Diego Fire Department that maintains a station, Fire Station No. 7, adjacent to the Project at 944 Cesar E. Chavez Parkway. These facilities are adequate to serve the build-out population.

Project and permit conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of persons residing,

working, attending college, or recreating in the surrounding area. The project applicant will be required to obtain building permits to show that all construction will comply with all applicable Building and Fire Codes so as to protect the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

The proposed project is located on a vacant 6.8 acre site, bounded by National Avenue to the east, Main Street to the west, Cesar E. Chavez Parkway to the north and Caltrans and Coronado Bridge right-of-way to the south, and located within the Redevelopment Subdistrict [Mercado District] of the BLPD, the Coastal Overlay Zone (Non-Appealable Area 2), the Barrio Logan RDP Area, the Transit Area Overlay Zone, and the Barrio Logan Harbor 101 Community Plan Area.

The Project as proposed complies with applicable regulations of the Barrio Logan Redevelopment Subdistrict relative to land use, FAR, setbacks, parking, pedestrian access, fire and emergency access, accessibility for persons with disabilities, and architectural design as provided in the BLPD regulations of SDMC Chapter 15, Article 2, Division 3 (Zoning and Subdistricts) and Division 4 (General and Supplemental Regulations). Other than the requested deviations so as to achieve an economically viable affordable housing development, the Project complies with the applicable regulations of the SDMC. Refer to Finding Number 5 for a complete discussion of the requested deviations.

4. The proposed development, when considered as a whole, will be beneficial to the community.

The Project is located within the Mercado District portion of the Barrio Logan RDP area, which was approved in 1991. The purpose of the RDP is to eliminate blight conditions, and to facilitate the rehabilitation of buildings, preservation of any significant historic properties, and the planning and redesign of areas which are stagnant or underutilized. Other goals of the RDP include obtaining participation of owners and tenants in the revitalization of their properties, providing low-and moderate-income housing, and providing new commercial and office opportunities. The Project as proposed accomplishes these RDP goals and objectives, ultimately benefiting the community with the introduction of commercial uses and housing opportunities.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

While the Project complies with the majority of the development regulations of the applicable zone, there are requested deviations that result in a more economically viable and desirable project than would be achieved if designed in strict conformance. The

Project as proposed complies with applicable regulations of the Barrio Logan Redevelopment Subdistrict relative to land use, FAR, setbacks, parking, pedestrian access, fire and emergency access, and accessibility for persons with disabilities as required by SDMC Chapter 15, Article 2 [BLPD], Division 3 (Zoning and Subdistricts) and Division 4 (General and Supplemental Regulations).

Per SDMC section 126.0601, the PDP process allows “an applicant to request greater flexibility from the strict application of the regulations . . . to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.” The following is a summary of the requested deviations, and corresponding justification.

- The Project’s proposed lot configuration results in three lots [Lots 2, 6 and 7] with street frontages of less than 25 feet, which is a deviation from SDMC section 152.0319(a)(2) that requires a minimum street frontage of 25 feet. The VTM shows a lot plan that accommodates the ownership structure of the proposed development. Lot 2 encompasses the affordable housing units above the first floor retail, inclusive of the residential access from the first floor and shopkeeper units. Lots 6 and 7 make up the parking structure, which is wrapped by the retail and residential uses. These lots function together as a mixed use development, having street frontage in excess of 25 feet along National Avenue and Cesar E. Chavez Parkway. Prior to the recordation of the Final Map(s), reciprocal access and circulation easements will be established between the owners to allow these lots and their users to manage and operate the site as one project. Therefore, the overall intent of the referenced code is achieved in that the lots will appear as one project, as well as legally restrict the use and operation of these three lots.
- The Project provides building walls along 63 percent of the street frontage along Main Street within 5 feet of the property line, and 62 percent of the street frontage along Cesar E. Chavez and is 10 to 25 feet setback from the property line, which is a deviation from SDMC section 152.0319(e)(2)(A) that requires the nonresidential building walls to be continuously extended at least 65 percent of the street frontage and located at the property line or within 5 feet of the property line. The requested deviation along Main Street and Cesar E. Chavez Parkway encourages pedestrian movement and provides access with enhanced walkways, lighting and landscape treatments. The project engages the Cesar E. Chavez Parkway street front with a plaza on the southwest corner of Cesar E. Chavez and vacated Newton Avenue. The plaza is approximately a 10,000 square foot area with landscape, enhanced pavement, seating walls, performance area and a water feature. While the plaza will primarily be a passive use open to the general public, the area will also accommodate special events. Therefore, the proposed deviation results in a more pedestrian oriented project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.
- The commercial building “B” provides transparency along 18 percent of the first story area street front along Main Street, 14 percent transparency along vacated Newton and no transparency on the south side adjacent to the Caltrans easement and

maintenance facility, which is a deviation from SDMC section 152.0319(e)(2)(B) that requires 50 percent of the first story area street wall surface incorporate pedestrian entrances, windows, display windows or openings allowing views into atriums, courtyards and street oriented activities located at the pedestrian height level.

In addition, the commercial building “B” has blank walls of approximately 162 feet facing Main Street, approximately 132 feet along facing vacated Newton Avenue, and approximately 258 feet in width, which is a deviation from SDMC section 152.0319(e)(2)(D) that requires blank wall segments be limited to 15 feet in width or 25 feet if enhanced with architectural detailing, ornamentation or art work.

Building “B” is the larger commercial building on the southwest corner of the project site, and is restricted as to any transparency opportunities that could be incorporated into the architecture. Based on the planned use, the west side of the building is planned for storage, coolers, and food and bakery preparation. Architectural enhancements have been incorporated to provide relief and interest at a pedestrian level, such elements as: architectural reliefs, painted architectural details, and glass in aluminum mullion or similar. The smaller retail building “A” on the northwest corner of the project site incorporates a low planter wall with the use of shrubs that are 5 feet to 6 feet tall that provide screening at a pedestrian level. While the Project deviates from the development requirements for pedestrian height entrances, windows, and openings and for limits on blank wall segments, architectural enhancements have been incorporated to provide relief and interest at a pedestrian level and create a more aesthetically appealing development that is in conformity with the balance of the community.

- The Project provides no parking wall along the west edge of the parking lot off-of Main Street, which is a deviation from SDMC section 152.0319(e)(2)(E) that requires a 3 foot solid wall or fence separated from the adjacent public right-of-way by a 3 foot wide landscape strip where surface parking occupies 35 percent or less of the linear street front. The project provides surface parking, of which a portion is adjacent to the Main Street right-of-way. Given the grades, the west edge of the parking is separated from the public walkway by an 18 inch retaining wall and 10 foot planting area that is sloped up 12 inches toward the parking. The planting area will contain streetscape understory planting that will grow 3-5 feet tall. With the grade difference and landscape improvements along this edge, there is a separation from the public right-of-way providing a buffer between the pedestrian and vehicles that meets the intent of SDMC section 152.0319(e)(2)(E).

- The Project provides access to a loading area off-of Main Street, which is a deviation from SDMC section 152.0319(e)(2)(F) that does not allow off-street loading areas to be located immediately adjacent to Newton Avenue, Cesar E. Chavez Parkway, and Main Street. The Project is bounded by streets with restricted immediate access to loading areas, resulting in limited options for a large format retail use. Loading areas for the smaller service vehicles will be accommodated on-site, but the larger loading area for Building “B” will be located off of Main Street. While the Project deviates from the Code by allowing the loading area off of Main Street, the location of the Building “B” loading

area was selected so as to have minimal impact to the existing operation of the Main Street, and the future uses of the project site. The loading area will be screened with a gate that incorporates the architecture of the building, making the loading area less noticeable.

- Building “C,” the mixed-use project, has a maximum structure height of 56 feet, which is a deviation from SDMC section 113.0270(a)(1) that limits the maximum permitted structure height to 50 feet. In addition, per SDMC section 113.0270 (a)(2)(B) limits the Overall Height Measurement to not exceed the maximum permitted structure height of the applicable zone plus an amount equal to either the maximum grade differential within the structure’s footprint or 10 feet, whichever is less. For this project site, the overall permitted structure height is 50 feet, and the maximum grade differential would be 8 feet, 5 inches; therefore, the maximum overall height measurement would be limited to 58 feet, 5 inches. We are proposing a height of 62 feet 3 inches at the highest point of the Building “C” mixed use project.

The justification for this height deviation is the natural grade drop in elevation between National Avenue to the east and the vacated Newton Street to the west, which is approximately 7 feet. The affordable housing component of the project rests atop a concrete podium structure. In order to keep the concrete podium height consistent and minimize accessibility conflicts with the housing units; the project proposes to set the top of slab at an elevation of + 60 (16 feet above grade at National Avenue and 22.5 feet above grade at vacated Newton Avenue. Each of the residential floor to floor heights will be approximately 10 feet; resulting in an additional 30 feet of elevation (for 3 floors). The 30 feet added to the 22.5 feet for the podium results in a building height of 52.5 feet at vacated Newton Avenue. Allowing for some slope for the roof structure, parapet, mechanical screening, and equipment for sustainable features (such as solar hot water and photovoltaic panels), the maximum building height of 62 feet 3 inches is proposed. Furthermore, the proposed height is within the character intent of the Barrio Logan RDP, and compatible with the recent development within the Barrio Logan area. Therefore, the proposed deviation results in a more functional and architecturally appealing project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

- The Project cannot accommodate the required number of street trees along National Avenue, Cesar E. Chavez Parkway, Main Street and Dewey Street, which is a deviation from SDMC section 142.0409(a)(1) that requires 24 inch box tree for every 30 feet of street frontage. The Project is an infill development bounded by existing infrastructure, creating multiple constraints that limit plantings within the public right-of-way. While street trees can be accommodated within National Avenue and Cesar E. Chavez Parkway, it is difficult to achieve the required number of street trees due to the avoidance of utilities and site constraints. Street trees are currently spaced at 30 feet on-center which cannot be closer due to fire ladder access requirements. Street trees along National Avenue have limited size requirements due to the fire ladder access requirements. The project access off of Dewey Street doesn’t provide opportunities for

street trees. However, enhancements to this entry will be accommodated in coordination with the Redevelopment Agency and representatives from Chicano Park.

Street trees along the Main Street right-of-way cannot be accommodated due to two existing gas lines. The project accommodates a landscape buffer along the west portion of the property, in addition to the landscape treatment of the parking area adjacent to Main Street. The landscape along Main Street will use plant material, shrubs 3 feet to 6 feet tall as well as large shrubs that soften the pedestrian edge at the eye level.

Staff's suggestion to move the west retail buildings east towards vacated Newton Avenue to accommodate street trees within the private property was evaluated and determined not feasible given the required dimensions needed for fire access down vacated Newton Avenue, the loss of on-site parking (up to 20 surface parking spaces), and the needed retail square feet to support the financial structure of the development. Furthermore, the plaza area would be affected, making market and entertainment venues within this valued public plaza not possible.

While the Project deviates from this code, the Project has incorporated landscape enhancements to the extent feasible so as to achieve the intent of SDMC section 142.0409(a)(1). The overall project has a balanced relationship of building edges to planting. The project has some areas with additional planting that compensate for areas with less planting. Tree planting is focused in use areas to provide shade. The more visible architectural features are used for murals that create connection to Chicano Park. In this context, the corner at Main Street and Cesar E. Chavez Parkway serves as a gateway element. Planting softens the pedestrian edge and frames a mural feature as well as emphasizes the café at the corner. Trees are used to screen the parking along the open part of the Main Street edge. The overall balance of tree planting to buildings is demonstrated by averaging the building frontage with the number of trees throughout the project along this frontage. Taking the total frontage of all streets including Newton Avenue, and dividing the frontage by the number of trees along this total frontage, the trees average 34 feet on center. This is a total of 72 trees over 2,400 linear feet of frontage. This does not include trees that we have applied to the discussion of the vehicle use area.

Based on the proposed landscape plan, the requested deviation from the street requirement considers and accommodates fire access, market driven parking requirements, and valued public space that engages not only the street front but also the surrounding retail while still preserving the intent of the Barrio Logan Redevelopment Plan to cultivate a revived urban community with needed retail and residential uses.

- The Project accommodates 4.6 percent of the vehicular area as planting area of which 44 percent is achieved through the use of trees, which is a deviation from SDMC section 142.0406(a) that requires 3 percent of the vehicular use area outside the street yard as planting area of which 50 percent of the points must be achieved through the use of trees. In addition, the Project cannot accommodate the requirement of trees within 30 feet of each parking space within the parking area of the vacated Newton Avenue, the

parking area along the southeast portion of the project, the top level of the parking structure, and the loading area off of Main Street.

The Project has a 60 foot sewer easement that runs along the alignment of vacated Newton Avenue. The planting of any trees within this easement is prohibited. With this restriction, the project cannot meet this landscape criterion within the vehicle use area. Enhanced pavement treatment and planting islands have been incorporated, which helps reduce heat gain from asphalt surfaces. The proposed street trees along the edges of vacated Newton Avenue are Tipu trees, fast growing trees that have a broad canopy capable of providing great coverage to vacated Newton Avenue in a short period of time. The surface parking adjacent to the southeast property line is shaded by the Coronado Bridge which also helps to reduce heat gain to the surface parking area. It should also be noted that this edge of the project is bounded by mature pine trees and landscape, approximately 15 to 20 feet in height providing opportunities for shade.

For the top level of the parking structure, the expense of accommodating trees exceeds the budget allocation supported by the affordable housing developer. It should also be noted that the parking structure is two-and-half levels, whereas the mixed use structure is four stories. The mixed use parking structure is shaded by the housing structure during the majority of the day through the summer and winter months. Approximately 3,200 square feet of the top portion of the parking structure is designed to accommodate a tot-lot with a shade structure. Based on these measures, the top level of the parking structure has limited heat gain opportunities.

The loading area for the larger commercial building "B" on the west block, the paving will be screened by a gate to the loading area. The paving will experience minimal heat gain as the area will be in the shadow of the Coronado Bridge.

Based on the proposed landscape plan, the requested deviation from the tree requirement within the vehicular use area considers and accommodates 60 percent more on-site trees than required by the code (assumes two parking areas and excluding the 60 foot sewer easement). Providing one tree within 30 feet of each parking space will produce 15 trees within the vehicle use area at the Grocer Parking and 10 trees at the southeast parking. Allowing the counting of trees within 3 feet of the vehicle use area as shown on the proposed plan will produce 30 trees at the Grocer Parking and 10 trees at the southeast parking for total of 40 trees compared to 25 trees as required. Based on this assessment, the proposed tree locations are meeting the intent of the code to provide shade for the car, vehicular paving as well as walkways adjacent to parking.

Although the Project provides surplus parking and additional trees within the surface parking could be accommodated, the on-site parking supports the anticipated demand of the major retail or commercial tenant. Historically, the Barrio has not provided adequate on-site parking, creating circulation conflicts. "...due to age and lack of development controls, (there are) circulation and parking conflicts, further increasing the community environmental, physical and socio-economic problems (*Barrio Logan Harbor 101 Community Plan, Area Planning Issues*). In accordance with the Barrio Logan Harbor

101 Community Plan the Project seeks to provide parking on-site to serve the anticipated demand to avoid off-site impacts. The surface parking is located for the convenience of the user by maximizing the parking in front of the building entries. Since the Project cannot lose parking in order to meet market demands of its users and tenants, the surface parking spaces lost to trees would be relocated to the parking garage at a cost of \$20,000 per parking space. The relocation of 6 trees would result in a cost of \$120,000. This additional cost would create a financial burden to the project's feasibility.

While the Project deviates from the code requirements, landscape and material enhancements have been incorporated to minimize the heat gain within the surface parking areas and therefore preserves the intent of SDMC section 142.0406(a).

- The Project requests a deviation to allow wall signs to exceed the 1 square foot and 100 square feet limitations, which is a deviation from SDMC Table 142-12C that limits the maximum wall sign copy area to 1 square foot per linear foot of street wall per establishment per street frontage up to 100 square feet. The requested deviation is proposed to allow adequate and appropriate signage for identifying the project, major and restaurant tenants. SDMC Sign Category A allows a greater wall sign copy area than the provisions of SDMC Sign Category C which apply to the Project, restricting wall sign copy area to 1 square foot per linear foot of street wall, per establishment, per street frontage up to 100 square feet. The restrictions of Sign Category C may be appropriate for the industrial uses, but not for the commercial retail uses or the atmosphere and design theme of the Mercado. Adequate and highly visible signage is vital for the success of each tenant and the project as a whole. Additionally, the market, major, and restaurant tenants demand the ability to incorporate their trade dress and identity on their storefronts and buildings. While the project deviates from the code, the requested deviation is compatible with the code requirements for similar uses and would be compatible with surrounding uses within the project area.

- The Project requests a deviation to allow signs located on buildings or lease spaces other than the tenancy, which is a deviation from SDMC section 142.1225(d)(1) that only allows wall signs on the lease space or building for which the sign copy area allowance is computed. Adequate and highly visible signage is essential for the success of commercial retail uses and the success of the project as a whole. Locating project and major tenant signs on upper walls of buildings visible from the adjacent freeways will provide the project, market and other major tenants the identification needed for the project's commercial success. SDMC Sign Category A would have applied to this zone outside of the Coastal Overlay and allows ground signs up to 30 feet in height; however, the project is located just inside in the Coastal Overlay Zone, and the provisions of Sign Category C apply, limiting ground signs to 8 feet in height. Given the height of the proposed buildings and the project's proximity, an 8 foot high sign would not be adequate or visible for identifying the project and major tenants. While the project deviates from this code, the requested deviation is compatible with the code requirements for similar uses, and would allow for the provision of unique signage reflective of the Barrio Logan area that would not otherwise be achieved by strict conformance with the regulations.

- The Project proposes a deviation from SDMC Table 142-12H, which limits the height of ground signs to 8 feet in height, to allow project identification ground signs that exceed 8 feet in height. The proposed deviation is to allow ground signs that are appropriate, adequate, compatible with and complementary to the project. The project is unique with its proposed Mercado atmosphere and design theme and its location in the midst of the heavy industrial zone in Barrio Logan. Prominent design features, including project identification are intended to contribute to the thematic design and establish the project as lively inviting place. SDMC Sign Category A would have applied to this zone outside of the Coastal Overlay and allows ground signs up to 30 feet in height, but because the project is located just inside the Coastal Overlay Zone, the provisions of Sign Category C apply, limiting ground signs to 8 feet in height. While the project deviates from the code, the requested deviation is compatible with the code requirements for similar uses, and would allow for the provision of unique signage reflective of the Barrio Logan area that would not otherwise be achieved by strict conformance with the regulations.

- The Project proposes deviation to SDMC sections 142.1225(c)(6) and 142.1230, which considers wall signs that project more than 18 inches from a building wall as projecting signs, to allow tenant “wall” signs attached to the top of architectural canopies, on awnings, and below architectural canopies, and to allow pedestrian oriented signs under architectural canopies and/or projecting from the lease space wall that project more than 18 inches from the building wall. The architecture, the “Mercado” theme, and project setting are intended to encourage pedestrian traffic and enhance the pedestrian atmosphere. Providing variety in sign types, locations, and configuration adds interest to the storefronts, contributes to the pedestrian atmosphere and allows pedestrian oriented signs where wall signs may not be visible on the pedestrian oriented storefronts. Signs below canopies and projecting from walls will be limited in size and maintain reasonable clearances above grade for safety. While the project deviates from this code, the requested deviation would allow for the provision of unique signage reflective of the Barrio Logan area that would not otherwise be achieved by strict conformance with the regulations.

C. Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is located on a vacant 6.8 acre site within the Redevelopment Subdistrict [Mercado District] of the BLPD, the Barrio Logan RDP Area, the Coastal Overlay Zone (Non-Appealable Area 2), the Transit Area Overlay Zone, the Barrio Logan Harbor 101 Community Plan Area, the FAA Part 77 Noticing Area of SDIA and North Island NAS. The project is a mixed-use development that includes 92 multi-family residential units, of which 91 units will be set aside for households with an income at or below 30 to 60 percent of the Area Median Income [AMI] with one manager unit at market rate. The Project’s residential units will be wrapped around a two and one-half

story above-grade parking structure with 219 parking spaces. The project also includes an additional 209 surface parking spaces; 35,890 square-feet of general commercial or grocery uses (Northgate Market); 34,555 square-feet of retail uses; 13,865 square-feet of restaurant uses with 2,325 square-feet of outdoor seating; 2,790 square-feet of shopkeeper units included in the residential unit count; a 445 square foot apartment leasing office; and other on- and off-site infrastructure improvements. As a component of the Project, a portion of the Project will utilize renewable energy technology (i.e., photovoltaic) and pursue US Green Building Council's Leadership in Energy and Environmental Design [LEED] certification or the equivalent, thus meeting the requirement of Council Policy 900-14, the City's Sustainable Building Policy.

The Project is consistent with the anticipated land uses for the Mercado District, which assumed mixed-use residential and commercial development in close proximity to employment centers, medical facilities and transit opportunities. In accordance with the Mercado District development standards, the FAR for the commercial use is capped at 1.5 FAR, and the residential use may not exceed 53 DU per acre assuming the Affordable Housing Density Bonus Program. The Project is proposing a 1.05 total FAR for the residential plus commercial uses, and 13.5 DU per acre based on the total acreage of 6.8 acres.

The Project will tie into existing roadways and rights-of-way at National Avenue to the east, Main Street to the west, Cesar E. Chavez Parkway to the north and Caltrans and Coronado Bridge right-of-way to the south. Improvements to the right-of-way will be made in accordance with the PDP. The Project provides a total of 428 parking spaces on-site thereby meeting the required residential parking and exceeding the required commercial parking. The Project also accommodates 19 accessible parking spaces, 10 bicycle parking spaces, and 10 motorcycle parking spaces on-site. With the proposed infrastructure improvements and on-site vehicle and bicycle parking, the Project will alleviate the blighted conditions of the adjacent streets and the parking congestion currently experienced within the adjacent area by providing on-site parking in excess of the code.

The Project is designed as a pedestrian oriented development, providing connecting pathways and plazas with adjacent facilities such as Chicano Park and Cesar E. Chavez Parkway. The project engages the Cesar E. Chavez Parkway street front with a plaza on the southwest corner of Cesar Chavez and vacated Newton Avenue. The plaza is approximately a 10,000 square foot area with landscape, enhanced pavement, seating walls, performance area and a water feature. While the plaza will primarily be a passive use open to the general public, the area will also accommodate special events. Enhanced pedestrian walkways provide connection to adjacent transit services off-of National Avenue and Harbor Drive, where there is an existing transit stop located on the southeast corner of Cesar E. Chavez Parkway and Harbor Drive.

Therefore, the Project will not adversely affect the applicable land use plan as it is consistent with the development plan for the Mercado District of the Barrio Logan RDP area, and achieves the goals to eliminate blight and facilitate economic rehabilitation.

Furthermore, the density and scale of the project is consistent with the Barrio Logan RDP for the Mercado District and similar new development within the vicinity of the project. The Project also benefits the Barrio Logan area with on-site and off-site improvements that promote pedestrian circulation throughout the site.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The Project is consistent with the Community Plan and the Barrio Logan RDP and will not be detrimental to the public health, safety or welfare. In 1991, the Barrio Logan RDP was adopted and the 1991 EIR was certified. The EIR identified traffic, aesthetics, noise, geology, air quality, population and housing, cultural resources, paleontological resources, hazardous materials (risk of upset), and cumulative impacts as having significant impacts. The EIR further identified traffic, noise, geology, air quality, cultural resources, and cumulative impacts as being unmitigable. The Mercado District has been the subject of several environmental documents and actions in the years subsequent to the certification of the 1991 EIR. In 1992, the Redevelopment Agency approved an EA/FONSI for the release of U.S. HUD funds from the UDAG and CDBG. With the proposed Project, an Addendum has been prepared in accordance with section 15164 of the CEQA Guidelines. The Project will comply with the 1991 EIR and the project specific MMRP and has been identified accordingly in the Addendum. Implementation of the MMRP will insure that the Project will not be detrimental to the public health, safety and welfare.

The site is currently vacant, with all pre-existing structures demolished in 1995, and the tenants relocated. Development of the vacant parcel bounded by Chicano Park, Cesar E. Chavez Parkway, National Avenue and Main Street will eradicate the blighted conditions of the property along with associated nuisances. The site layout of the Project ensures that eyes are on public spaces with the orientation of units facing the park and streets, and improved pedestrian access and pathways that promote connectivity.

The Project will comply with the development regulations in effect for the subject property as set forth in the San Diego SDMC, including the land use and development standards in accordance with the approved PDP and VTM. The project incorporates implementing permit conditions regarding land use restrictions and development requirements as detailed Barrio Logan RDP.

The Project will provide necessary sewer and water facilities to serve the development site. Police service would be provided by the Central Area Station of the San Diego Police Department, located at 801 West Market Street. Fire protection would be provided by the City of San Diego Fire Department that maintains a station, Fire Station No. 7, adjacent to the Project at 944 Cesar E. Chavez Parkway. These facilities are adequate to serve the build-out population.

Project and permit conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of persons residing,

working, attending college, or recreating in the surrounding area. The project applicant will be required to obtain building permits to show that all construction will comply with all applicable Building and Fire Codes to protect the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed project is located on a vacant 6.8 acre site, bounded by National Avenue to the east, Main Street to the west, Cesar E. Chavez Parkway to the north and Caltrans and Coronado Bridge right-of-way to the South, and located within the Redevelopment Subdistrict (Mercado District) of the BLPD, the Coastal Overlay Zone (Non-Appealable Area 2), the Barrio Logan RDP Area, the Transit Area Overlay Zone and the Barrio Logan Harbor 101 Community Plan Area.

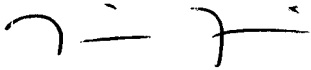
The Project as proposed complies with applicable regulation of the Barrio Logan Redevelopment Subdistrict relative to land use, FAR, setbacks, parking, pedestrian access, fire and emergency access, accessibility, and architectural design as defined in SDMC Chapter 15, Article 2 (BLPD), Division 3 (Zoning and Subdistricts) and Division 4 (General and Supplemental Regulations). Other than the requested deviations so as to achieve an economically viable affordable housing development, the Project complies with the applicable regulations of the SDMC. Refer to Finding Number 5 of the PDP findings for a complete discussion of the requested deviations.

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

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 723231, Planned Development Permit No. 723233, and Site Development Permit No. 723237 is granted to the Redevelopment Agency of the City of San Diego, Owner, and Shea Mercado, LLC, Permittee, under the terms and conditions set forth in the permit attached which is made part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:js
05/26/10
Or.Dept:DSD
R-2010-857
MMS #12275

(B)

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000652

COASTAL DEVELOPMENT PERMIT NO. 723231
PLANNED DEVELOPMENT PERMIT NO. 723233
SITE DEVELOPMENT PERMIT NO. 723237
MERCADO DEL BARRIO PROJECT NO. 203874 [MMRP]
CITY COUNCIL

This Coastal Development Permit No. 723231, Planned Development Permit No. 723233, and Site Development Permit No. 723237 is granted by the Council of the City of San Diego to the Redevelopment Agency of the City of San Diego, a public body corporate and politic, Owner, and Shea Mercado, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504, 126.0604, and 126.0708. The 6.8-acre site is located at 1135 Cesar E. Chavez Parkway on a vacant 6.8 acre site which encompass a two block area between Cesar E. Chavez Parkway (formally Crosby Street) and Dewey Street, and National Avenue and Main Street. The site is in the Redevelopment Subdistrict (Mercado District) of the Barrio Logan Planned District, the Barrio Logan Redevelopment Project Area, the Coastal Overlay Zone (Non-Appealable Area 2), the Transit Area Overlay Zone, the Barrio Logan Harbor 101 Community Plan Area, and the Federal Aviation Administration [FAA] Part 77 Noticing Area of San Diego International Airport [SDIA] and North Island Naval Air Station [NAS].

The project site is legally described as: Parcels 1 through 9, inclusive of Parcel Map No. 18810, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, October 4, 2001 as Instrument No. 20001-0718068 of Official Records. Together with that portion of Newton Avenue (formerly "N" Street) as dedicated per Mannasse & Shilter's Subdivision of Pueblo Lot 115, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870, as vacated by Resolution No. 295465, recorded December 24, 2001 as Instrument No. 01-0949601 of Official Records, described as follows: Beginning at the most Easterly Corner of Block 95 of said Map No. 209; Thence along the Southwesterly Line of Newton Avenue as dedicated per Map No. 209, North

50 degree 39'34" West, 150.31 feet to the most Northerly Corner of Lot 30 of said Block 95; Thence leaving said Southwesterly Line, North 29 degrees 20'26" East, 40.00 feet to the centerline of Newton Avenue; Thence along said centerline, North 50 degrees 39'34" West, 25.12 feet; Thence North 39 degrees 20'26" East, 40.00 feet to the most Southerly Corner of Lot 17 Block 129 of said Map No. 209, said point being on the Northeasterly Line of Newton Avenue; Thence along said Northeasterly Line, South 50 degrees 39'34" East, 175.36 feet to the most Southerly Corner of said Block 129; Thence along the Southwesterly Prolongation of the Northwesterly Line of Dewey Street, South 39 degrees 17'37" West, 10.20 feet to the beginning of tangent 70.00 foot radius curve, concave to the East; Thence Southwesterly, Southerly and Southeasterly along said curve, through a central angle of 89 degrees 58'54" an arc distance of 109.93 feet to a point of cusp with said Southwesterly Line of Newton Avenue, being also on the Northeasterly Line of Parcel 1 of Parcel Map No. 17172, filed in the Office of the County Recorder of said San Diego County; Thence along said Northeasterly and Southwesterly Line, North 50 degrees 41'17" West, 9.98 feet to an angle point in said Northeasterly Line of Parcel 1; Thence continuing along said Northeasterly Line and its Northwesterly Prolongation, North 50 degrees 31'08" West, 60.00 feet to the Point of Beginning.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to construct a mixed-use development that includes 92 multi-family residential units, of which 91 (for rent) units will be set aside for households with an income at or below 30 to 60 percent Area Median Income [AMI], known as the Mercado del Barrio project, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated **JUN 29 2010**, on file in the Development Services Department.

The project shall include:

- a. Construction of a mixed-use development that includes 92 multi-family residential units, of which 91 units will be set aside for households with an income at or below 30 to 60 percent of the AMI with one market rate manager unit. The Project's residential units will be wrapped around a two and one-half story above-grade parking structure with 219 parking spaces. The project also includes an additional 209 surface parking spaces; 35,890 square-feet of general commercial or grocery uses (Northgate Market); 34,555 square-feet of retail uses; 13,865 square-feet of restaurant uses with 2,325 square-feet of outdoor seating; 2,790 square-feet of shopkeeper units included in the residential unit count; a 445 square foot apartment leasing office; and other on- and off-site infrastructure improvements;
- b. Deviations as follows:
 - (1) Street Frontage - Deviation from SDMC Section 152.0319(a)(2), requiring a minimum street frontage of 25 feet, while the project would provides less than 25 feet of frontage on Lots 2, 6 and 7.
 - (2) Street Wall - Deviation from SDMC Section 152.0319(e)(2)(A), requiring nonresidential building walls to continuously extend for at least 65 percent of the street frontage and be located at the property line or within 5 feet of the

property line; whereas the project would provide 63 percent of the street frontage along Main Street within 5 feet of the property line and 62 percent of the street frontage along Cesar E. E. Chavez and is 10 to 25 feet setback from the property line.

- (3) Transparency - Deviation from SDMC Section 152.0319(e)(2)(B) requires 50 percent of the first story area street wall surface to incorporate pedestrian entrances, windows, display windows or openings allowing views into atriums, courtyards and street oriented activities located at the pedestrian height level; the project, commercial building "B" would provide 18 percent of the first story area street front along Main Street, 14 percent along vacated Newton and zero percent on the south side adjacent to the Caltrans easement and maintenance facility with transparency and pedestrian enhancement elements.
- (4) Blank Walls - Deviation from SDMC Section 152.0319(e)(2)(D) requires blank wall segments to be limited to 15 feet in width or 25 feet if enhanced with architectural detailing, ornamentation or art work; the project, the commercial building "B" would have blank walls of approximately 162 feet facing Main Street, approximately 132 feet along vacated Newton Avenue, and approximately 258 feet in width with enhanced architectural detailing along each of the wall segments.
- (5) Parking Wall - Deviation from SDMC Section 152.0319(e)(2)(E) requires a 3 foot solid wall or fence separated from the adjacent public right-of-way by a 3 foot wide landscape strip where surface parking occupying 35 percent or less of the linear street front; the project would not provide a wall along the west edge of the parking lot off-of Main Street.
- (6) Loading Area - Deviation from SDMC Section 152.0319(e)(2)(F) does not allow off-street loading areas to be located immediately adjacent to Newton Avenue, Cesar E. E. Chavez and Main Street; the project would provide access to a loading area off-of Main Street.
- (7) Height - Deviation from SDMC Section 113.0270(a)(1) requires a maximum permitted structure height of 50 feet; the project, Building "C" mixed-use project (east side) has a maximum structure height of 56 feet as calculated per SDMC Section 113, Diagram 113-0211. In addition, per SDMC Section 113.0270 (a)(2)(B) requires the Overall Height Measurement shall not exceed the maximum permitted structure height of the applicable zone plus an amount equal to either the maximum grade differential within the structure's footprint or 10 feet, whichever is less. For this project site, the overall permitted structure height is 50 feet, and the maximum grade differential would be 8 feet, 5 inches; therefore, the maximum overall height measurement would be limited to 58 feet, 5 inches, while the project is proposing a height of 62 feet, 3 inches at the highest point of building "C" mixed-use project.

- (8) Street Tree Landscape - Deviation from SDMC Section 142.0409(a) (1) requires 24-inch box tree for every 30-feet of street frontage; the project would provide the following: National Avenue: where thirteen 24-inch box trees are required, eleven street trees would be provided; Main Street: where fifteen 24-inch box trees are required, none would be provided; Cesar E. Chavez Parkway: where twenty-three 24-inch box trees are required, seventeen street trees and four fan palms would be provided; and Dewey Street; where two 24-inch box trees are required, none would be provided.
- (9) Vehicular Use Area - Deviation from SDMC Section 142.0406(a) requires three percent of the vehicular use area outside the street yard as planting area of which fifty percent of the points must be achieved through the use of trees; the project would provide forty-two percent of the vehicular area as planting area of which forty-four percent is achieved through the use of trees.
- (10) Trees within Vehicular Use Area - Deviation from SDMC Section 142.0406(a) requires one tree within 30-feet of each parking space; whereas the project would comply with this requirement within the west parking area, the following areas would not comply: parking area of the vacated Newton Avenue; parking area along the southeast portion of the project; top level of the parking structure; and loading area off of Main Street.
- (11) Maximum Wall Sign copy area - Deviation from SDMC Table 142-12C, which limits the maximum wall sign copy area to 1 square foot per linear foot of street wall per establishment per street frontage up to 100 square feet, to allow wall signs that exceed the 1 square foot and 100 square feet limitations.
- (12) Allowable Wall Signs in Lease Space - Deviation from SDMC Section 142.1225(d)(1), which requires allowable wall signs only on the lease space or building for which the sign copy area allowance is computed, to allow signs located on buildings and/or lease spaces other than the tenancy.
- (13) Ground Signs - Deviation from SDMC Table 142-12H, which limits the height of ground signs to 8 feet in height, to allow project identification ground signs that exceed 8 feet in height.
- (14) Projecting Signs - Deviation to SDMC 142.1225(c)(6) and 142.1230, which considers wall signs that project more than 18 inches from a building wall as projecting signs, to allow tenant "wall" signs attached to the top of architectural canopies, on awnings, and below architectural canopies, and to allow pedestrian oriented signs under architectural canopies and/or projecting from the lease space wall that project more than 18 inches from the building wall;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. The Project is designed as a pedestrian oriented development, providing connecting pathways and plazas with adjacent facilities such as Chicano Park and Cesar E. Chavez Parkway. The project engages the Cesar E. Chavez Parkway street front with a plaza which is approximately a 10,000-square foot area with landscape, enhanced pavement, seating walls, performance area and a water feature. While the plaza will primarily be a passive use open to the general public, the area will also accommodate special events; and
- f. A portion of the project will utilize renewable energy technology (i.e., photovoltaic) and pursue US Green Building Council's LEED certification or the equivalent; and
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all 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 Owner/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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The 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 Owner/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 Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the

event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Addendum No. 203874 to Environmental Impact Report No. 90-0133/ SCH No. 90010287, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Addendum No. 203874 to Environmental Impact Report No. 90-0133/ SCH No. 90010287 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Transportation/Traffic Circulation
- Noise
- Historical Resources (Cultural Resources/Archaeology)
- Paleontological Resources
- Health and Public Safety (Risk of Upset)

AFFORDABLE HOUSING REQUIREMENTS:

14. The project is subject to the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13 of the SDMC). The project includes 91 units that will be set aside for households with an income at or below 30 to 60 percent of the Area Median Income [AMI]. The project will also be subject to an Agreement with the City of San Diego Redevelopment Agency, which includes deed restrictions equivalent or more stringent than the City's Inclusionary Affordable Housing Regulations. The Inclusionary Affordable Housing Regulations are not cumulative to (or in addition to) the Agreement with the City of San Diego Redevelopment Agency. In the event that the project does not fulfill the terms of the Redevelopment Agency restrictions due to default, foreclosure, cancellation, or dissolution of the Redevelopment Agency participation or for any other reason(s) prior to their satisfaction, the inclusionary affordable requirements of the SDMC will apply to the project. In such event, the project owner will be required to enter into an affordable housing agreement and deed of trust with the San Diego Housing Commission to provide 10 percent of the units as affordable on-site; an in-lieu fee option will not be available.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code to the satisfaction of the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP's) maintenance, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction 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, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

19. The Permit shall comply with the conditions of the final map for Vesting Tentative Map No. 723238.

20. The proposed drainage system within this development and outside the public right-of-way is private, shall be privately maintained, and is subject to approval by the City Engineer.

21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for private storm drains within the public right-of-way, satisfactory to the City Engineer.

22. Prior to the issuance of any building permit, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes of action, liability or loss because of, or arising out of storm water from the private storm drains discharging into the public system.

23. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01[NPDES General Permit No. CAS000002 and CAS0108758], Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

24. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this Permit or any grading permits issued pursuant to this Permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

25. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant to provide the right-of-way free and clear of all encumbrances and prior easements in accordance with the Exhibit "A" and satisfactory to the City Engineer.

26. Prior to the issuance of any permits, the applicant shall dedicate an additional 8 feet along Cesar E. Chavez Parkway to provide a minimum 10 feet curb to property line distance, in accordance with the Exhibit "A" and satisfactory to the City Engineer.

27. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for private storm drain connection at Main Street and the vacated Newton Avenue, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

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

29. Prior to issuance of any construction permits for grading, landscape construction documents for the temporary re-vegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

30. 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 Development Services Department for approval. Improvement plans shall show, label and dimension a 40 square foot area around each tree that is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed to allow the placement of street trees.

31. If a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as “landscaping area.”

32. Prior to issuance of any construction permits for buildings, complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit “A,” Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC section 142.0403(b)5.

33. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall 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.

34. 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.

35. 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 fully repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

36. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

PLANNING/DESIGN REQUIREMENTS:

37. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of the Energy Efficiency, Renewable Energy, and Water Conservation and Efficient features to help to reduce potential greenhouse gas [GHG] emissions as outlined within the GHG technical study that was prepared for the Project by RECON (March 2010).

38. 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 Owner/Permittee.

39. Mechanical equipment, tanks, ducts, trash collection areas, elevator enclosures, cooling towers, mechanical ventilators and similar equipment and appurtenances shall be completely enclosed as integral parts of buildings or have an appearance similar to the main building.
40. Walls and fences shall comply with the fence regulations in SDMC Chapter 14, Article 2 Division 3. Any wall visible from any publicly dedicated street or alley shall be of uniform masonry construction, solid wood construction derived from Redwood, Cedar or stained Douglas Fir species.
41. Prior to the issuance of the first sign permit, the Owner/Permittee shall submit to the Planning reviewer a preliminary concept sign program that includes criteria for the location and design of all signs to be used on the premises, acceptable to the Development Services Department. The sign program shall demonstrate that the design of all signs complements the architecture of the existing buildings. The sign program shall also demonstrate that the locations of signs would not create visual clutter.
42. All signs shall comply with San Diego Municipal Code Chapter 14, Article 2, Division 12 (Sign Regulations), except where deviations are allowed as described in this permit.
43. Sign Deviation for Building "A" North Elevation- Allow the maximum wall sign copy area for each establishment to be calculated at 2 times the length of the establishment's street wall up to 250 square feet, where a maximum wall sign copy area of 1 time the length up to 100 square feet of the establishment's street wall is allowed.
44. Sign Deviation for Building "B" North Elevation- Allow the maximum wall sign copy area for each establishment to be calculated at 1.5 times the length of the establishment's street wall, where a maximum wall sign copy area of 1 time the length of the establishment is allowed.
45. Sign Deviation for Building "B" North Elevation- Allow the maximum total wall sign copy area for the north elevation of 350 square feet where 100 square feet is allowed.
46. Sign Deviation for Building "A" Upper North and South Elevation- Allow up to 60 square feet of wall sign copy area for major tenants that may not be located within Building "A" where this sign would not otherwise be allowed.
47. Sign Deviation for Building "A" Upper East Elevation- Allow up to 100 square feet of wall sign copy area for major tenants that may not be located within Building "A" where this sign would not otherwise be allowed.
48. Sign Deviation for Building "A" Upper West Elevation- Allow up to 100 square feet of wall sign copy area for major tenants not located within Building "A" where this sign would not otherwise be allowed, up to 250 square feet.
49. Sign Deviation for Ground Signs- Allow one 22-foot tall center identification ground sign facing Cesar E. Chavez Parkway on the stage wall as shown on the Exhibit "A" where an 8-foot tall ground sign is allowed.

50. Sign Deviation for Projecting Signs - Allow projecting signs to be located to the top, face and below architectural awnings and canopies on Building "C" as shown on Exhibit "A", and to allow pedestrian oriented blade signs under architectural canopies and projecting from building wall more than 18 inches with an 8-foot minimum clearance.

51. 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.

TRANSPORTATION REQUIREMENTS

52. The Owner/Permittee shall maintain no fewer than 183 residential parking spaces (183 spaces provided), and 188 commercial parking spaces (245 spaces provided) for a total of 371 (428 spaces provided) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces and aisle widths shall comply at all times with the SDMC, and shall not be converted or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

53. No fewer than 14 accessible parking spaces (19 spaces provided-included in the 428 total provided spaces), 10 motorcycle spaces (10 spaces provided), 57 bicycle spaces (58 spaces provided), and 5 commercial loading spaces (5 loading spaces provided), shall be maintained on the property at all times in the approximate locations shown on Exhibit "A," and shall be in compliance with requirements of the SDMC, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

54. Prior to the issuance of any building permit, the Owner/Permittee shall install a "right-turn only-weekdays 4:00 PM to 6:00 PM" sign facing the northbound approach at the intersection of Logan Avenue and I-5 southbound on-ramp, satisfactory to the City Engineer.

55. Prior to the issuance of any building permit, the Owner/Permittee shall pay its fair share contribution (16%) towards future restriping of Cesar E. Chavez Parkway between Logan Avenue and Kearny Avenue, to add a second northbound left turn lane at the intersection of Cesar E. Chavez Parkway and Kearny Avenue, to change the northbound left turn phasing to protective instead of a split phasing for northbound/southbound movement, and to provide signal modifications at this intersection, satisfactory to the City Engineer.

56. Prior to the issuance of any building permit, the Owner/Permittee shall pay its fair share contribution (5.7%) towards future installation of a second eastbound left turn lane at the intersection of Cesar E. Chavez Parkway and Harbor Drive by modifying the raised median, striping, and signage on Harbor Drive and providing signal modifications at this intersection, satisfactory to the City Engineer.

57. Owner/Permittee shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. The requirements may include (but may

not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor, and/or upgrading wattage.

WASTEWATER AND WATER REQUIREMENTS:

58. Prior to issuance of any engineering permits, the Owner/Permittee shall enter into an Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, medians, landscaping, enhanced paving, curb, gutter and sidewalk, and electrical conduits to be installed within the 80 foot general utility easement.

59. Prior to the issuance of any building permits, the Owner/Permittee shall provide evidence, satisfactory to the Public Utilities Department Director, indicating that each lot will have its own sewer lateral or provide recorded CC&R's for the operation and maintenance of onsite private sewer facilities that serve more than one lot/ownership.

60. Prior to the issuance of any building permits, appropriate public improvement plans for the rerouting of the sewer facilities must be approved and the improvements constructed in conformance with the established criteria in the City of San Diego Sewer Design Guide, to the satisfaction of the Public Utilities Director. The existing sewer easements will be required to be abandoned through the City's abandonment process (D sheets).

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

62. 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 (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

63. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be completed and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

64. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines, Sewer Design Guide, and City regulations, standards, and practices.

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

66. No trees may be located within ten feet of any sewer facilities or in any sewer access easement.

67. No shrubs that could exceed three feet in height at maturity may be located within 10 feet of any sewer main or within access easements.

GEOLOGY REQUIREMENTS:

68. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

69. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to exoneration of the bond and grading permit close-out.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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 construction permit issuance.

APPROVED by the City Council of the City of San Diego on JUN 29 2010 by
Resolution No. R- 305966 .

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Mike Westlake
Program Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

**Redevelopment Agency of the City of San Diego,
a Public Body Corporate and Politic
Owner**

By _____
Name:
Title:

**Shea Mercado, LLC,
a California Limited Liability Company
Permittee**

By _____
Name:
Title:

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**