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RESOLUTION NUMBER R- 305974

DATE OF FINAL PASSAGE JUL 12 2010

A RESOLUTION GRANTING PLANNED DEVELOPMENT
PERMIT NO. 150324 FOR THE MISSION BREWERY VILLAS
PROJECT - PROJECT NO. 52078.

WHEREAS, Mission Brewery Plaza Two, LP, a California Limited Partnership/Owner, and AMCAL Multi-Housing Inc./Permittee, filed an application with the City of San Diego for a planned development permit (PDP) No. 150324, an amendment to the General Plan and the Midway/Pacific Highway Corridor Community Plan to construct a mixed-use, transit-oriented, development (85 affordable residential rental units and public community space) known as the Mission Brewery Villas project, located along Hancock Street between West Washington Street to the east, Kurtz Street to the south, and Sutherland Street to the west, at the following four addresses/parcels: 1875 Hancock Street (APN 451-590-2700), 1815 Hancock Street (APN 451- 590-6400), 1777 Hancock Street (APN 451-590-6500), and 2120 West Washington Street (APN 451-590-6300), and legally described as Lots 1, 2, 3, 10, 11, and 12 in Block 185 of Middletown, in the City of San Diego, County of San Diego, State of California, according to the partition map thereof made by J.E. Jackson on file in the county clerk's office of San Diego County; and Parcel A of Parcel Map No. 640, 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 6, 1971, as File No. 229816 of Official Records; and Parcel B of Parcel Map No. 640, 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 6, 1971, as File No. 229816 of Official Records; and Lots 3 to 10 inclusive in Block 182 of Middletown, in the City of San Diego, County of San Diego, State of California, according to the partition map thereof made by J.E. Jackson on file in the county

clerk's office of San Diego County; and an easement for the encroachment of an office building, garage, and incidental purposes and ingress and egress over, along, and across the southeasterly 8 feet of Parcel A of Parcel Map No. 640, in the City of San Diego, County of San Diego, State of California, as filed in the Office of the County Recorder of San Diego County, October 6, 1971, in the Midway-Pacific Highway Community Plan area, within the CC-4-2 zone; and

WHEREAS, on May 18, 2006, and December 11, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit (PDP) No. 150324 and pursuant to Resolution No. 4160-PC voted to recommend City Council approval of the permit; and

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

WHEREAS, the matter was set for public hearing on July 12, 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 PDP No. 150324:

A. PLANNED DEVELOPMENT PERMIT APPROVAL – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed mixed use residential project would construct eighty-five multi-family affordable (low-income) residential apartment units and a community meeting space on portions of a 3.12-acre site. The project would provide transit-oriented development at the site of the

underutilized Washington Street Trolley Station and provide adequate on-site parking to meet the requirements of the Land Development Code.

The project has been designed such that the required private exterior open space would be adequately shielded from sound noise from the adjacent trolley/train tracks, including other nearby noise sources such as the freeway and airport.

The 3.12-acre site is presently designated Transportation-Related Commercial by the community plan, which was adopted by the City Council on May 28, 1991. The project proposes that the Midway/Pacific Highway Corridor Community Plan be amended to change the site's land use designation to Multiple Use with a residential density range of zero to ninety dwelling units on the subject site, where none are currently permitted according to the community plan designation. The project is proposing the construction of eighty-five affordable dwelling units on site. In addition, this designation would accommodate existing commercial uses on the site.

The subject site is part of a larger area identified as "blighted" by The North Bay Redevelopment Plan. This proposal creates an opportunity to "enhance the physical conditions of the existing neighborhood through rehabilitation and/or development" and an improvement needed to eliminate both physical and economical conditions of blight, one of the main objectives of the North Bay Redevelopment Plan. The provision of new housing and commercial opportunities in close proximity to the Washington Street trolley station would implement a number of specific goals and objectives outlined in the North Bay Redevelopment Second Implementation Plan. These goals include promoting and enhancing diverse housing opportunities by improving housing stock and improving the growth and vitality of the Redevelopment Project Area's business environment. Housing goals included in the Second Implementation Plan, call for a 987 net increase in residential units within the Project Area between 2004 and 2008. Furthermore, the Second Implementation Plan encourages the construction of open space, parks and sidewalk improvements to enhance the Project Area for residents. The proposed project would construct new sidewalks as well as improve the Sutherland Street right-of-way. The project would also generate additional tax increment revenues that could be used to assist in funding future public and private improvements and development projects within the Redevelopment Project Area.

In addition, the proposed project would not adversely affect the Midway/Pacific Highway Corridor Community Plan because it would implement policies and recommendations of the community plan related to incorporating defensible space techniques into the design of multi-family projects by providing architectural detailing and individual unit features which will promote pride of ownership and delineate public, semiprivate, and private space. The proposal features a landscaped courtyard envisioned as a tot lot for the residences. Visual and spatial orientation of recreational and open space areas is linked to the residential units within the project. The project provides for local area pedestrian access and circulation to the MTS Trolley station and will provide a focus point for the local neighborhood as a gathering place within a new community meeting space. The proposal would improve the neighborhood streetscape by providing pedestrian connectivity and landscaped buffers and paths to the residents of this

project and future residents in an area projected to have a substantial increase in residential growth in the near-term as projected by the San Diego Association of Governments (SANDAG).

The proposed project would also not adversely affect the General Plan as one of the goals in the General Plan encourages in-fill development and revitalization. The proposed project would accommodate in-fill development by allowing additional housing in the community. The plan also discusses the importance of improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. The proposed project would develop much needed affordable multi-family housing to help improve the neighborhood and its surroundings. The proposed project is within the North Bay Redevelopment Area, an area identified as blighted. The proposed project would also not adversely affect the Housing Element of the General Plan, as the proposed use would be ensuring the development of new housing to help meet the City's housing needs.

On February 9, 2005, the Midway Community Planning Advisory Committee voted 8-0-0 to approve the project design and entitlement as proposed and reaffirmed their support as the project underwent revisions.

Therefore, for the above-listed reasons, the proposed development would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed 85-unit residential project would provide for transit-oriented development in an urban in-fill site. The project has been designed to protect the health, safety, and welfare of the future residents.

The Airport Authority has reviewed the project and determined that it would not represent an incompatible land use with nearby airport operations. The site is not within an area adversely affected by airport noise.

A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) and found the site to be acceptable for residential use considering, among other issues, land use consistency, lack of previous environmental contamination, and geologically suitable substrate.

The project has been designed to shield residents from the noise of nearby trolley/train operations by designing the required exterior usable open space in a shielded interior courtyard.

Police service for the Mission Brewery Project would be provided by officers and support personnel from Western Division, located at 5215 Gaines Street. The project has agreed to provide funding for capital equipment costs for 0.94 Police Officer to off-set the impact of the development on the demands for new police officers.

Fire Station 8 located at 3974 Goldfinch Street would serve the project. Station 8 houses one engine. The station covers 2.51 square miles, and the national standard is 9 square

miles per fire station. Response time to the project for engine 8 is 3.2 minutes, which is within the national standard of 5 minutes.

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

The project would comply with the development regulations in effect for the subject property as described in PDP No. 150324 and other regulations and guidelines pertaining to the subject property per the SDMC. The proposed development would be required to obtain Building Permits to show that all construction will comply with all applicable Building, Fire Code, and American with Disabilities Act requirements. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed 85-unit residential project would provide for transit-oriented development in an urban in-fill site. The project has been designed to be in compliance with the regulations of the SDMC with no deviations, variances, or change in zoning.

The project site is within the CC-4-2 zone, Commercial – Community. This zone allows for community-serving commercial services, retail and residential uses with a range of development including pedestrian-friendly commercial streets. Residential use in the CC-4-2 zone is permitted by the Municipal Code as part of a mixed-use project. Residential development within this zone is governed by, and complies with, the RM-1-1 zone. The maximum permitted density is one dwelling unit per 1,500 square feet. The proposed density would be 29 dwelling units per acre (du/ac) across the 3.12-acre combined site. The 3.12-acre (136,000 square-foot) site allows for ninety units where eighty-nine units are proposed.

Per SDMC section 143.0420, the project shall provide at least 190 square feet of usable, exterior open space per unit. The project has demonstrated conformance with this requirement proving a total of 16,150 square feet of required private exterior usable open space, and common open space. The required exterior open space has been designed to face the interior courtyard to be shielded from noise sources such as the trolley operations and traffic.

The project is subject to a maximum Floor Area Ratio (FAR) of 2.0 in accordance with SDMC Table 131-05E. The project has demonstrated conformance with this requirement providing a FAR of 1.34, calculated as 182,906 square feet/136,115 square-foot site area. The proposed parking areas have been appropriately excluded from the FAR calculations per SDMC section 113.0234 (Diagram 113-02M).

The new construction is subject to the SDMC requirements for setbacks of the CC-4-2 zone which specifies setbacks of zero or 10 feet on the sides and rear with no minimum front setback. The project is proposing 13 feet 8-inches front, 10 feet-0-inches rear, and zero side along Sutherland Street.

The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed use will comply with the applicable regulations of the SDMC in effect for this site.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed 85-unit residential project would provide for transit-oriented development in an urban in-fill site. The SANDAG projects rapid future residential growth in this community planning area. The North Bay Redevelopment Project Area has been established in this area to guide elimination of blight and encourage housing stock to improve the growth and vitality of the Redevelopment Project Area's business environment. Housing goals included in the Second Implementation Plan, call for a 987 net increase in residential units within the Project Area between 2004 and 2008. Furthermore, the Second Implementation Plan encourages the construction of open space, parks and sidewalk improvements to enhance the Project Area for residents. The proposed project would construct new sidewalks as well as partially improve the Sutherland Street right-of-way. The project would also generate additional tax increment revenues that could be used to assist in funding future public and private improvements and development projects within the Redevelopment Project Area.

The project has been specifically designed to accommodate and encourage pedestrian access and circulation to the Washington Street Trolley Station. Location of new residential and commercial at this transportation node is in agreement with the principles of Transit Oriented Development giving the future residents an opportunity to live closer to work locations downtown, Mission Hills, Old Town, Midway, the Airport, the port, and/or the nearby Marine Corps Recruit Depot (MCRD).

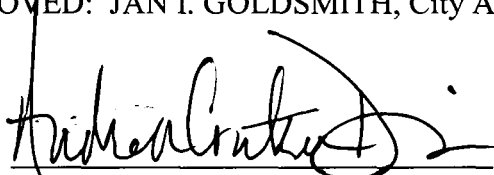
5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The PDP is required to allow the existing commercial development to be joined with the proposed residential development to achieve the desired density. Additionally, the PDP would allow for a reduction in the total parking on site to accommodate additional recreational opens space within the project. The larger proposed green space is more desirable than additional parking that was required due to the tandem configuration of the parking lay-out.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 150324 is granted to Mission Brewery Plaza Two, LP, a California Limited Partnership, Owner, and AMCAL Multi-Housing Inc., Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
06/22/10
07/27/10 COR.COPY
11/10/10 COR.COPY2
Or.Dept:DSD
MMS# 12417

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 150324
MISSION BREWERY VILLAS – [MMRP]
CITY COUNCIL

This Planned Development Permit No. 150324, is granted by the Council of the City of San Diego to Mission Brewery Villas Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 3.12-acre site is located along Hancock Street between West Washington Street to the east, Kurtz Street to the south, and Sutherland Street to the west, at the following four addresses/parcels: 1875 Hancock Street (APN 451-590-2700), 1815 Hancock Street (APN 451-590-6400), 1777 Hancock Street (APN 451-590-6500), and 2120 West Washington Street (APN 451-590-6300), in the CC-4-2 zone of the Midway-Pacific Highway Community Planning Area.

The project site is legally described as Lots 1, 2, 3, 10, 11, and 12 in Block 185 of Middletown, in the City of San Diego, County of San Diego, State of California, according to the partition map thereof made by J.E. Jackson on file in the County Clerk's Office of San Diego County; and Parcel A of Parcel Map No. 640, 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 6, 1971, as File No. 229816 of Official Records, and Parcel B of Parcel Map No. 640, 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 6, 1971, as File No. 229816 of Official Records; and Lots 3 to 10 inclusive in Block 182 of Middletown, in the City of San Diego, County of San Diego, State of California, according to the partition map thereof made by J.E. Jackson on file in the county clerk's office of San Diego County; and an easement for the encroachment of an office building, garage, and incidental purposes and ingress and egress over, along, and across the southeasterly 8.00 feet of Parcel A of Parcel Map No. 640, in the City of San Diego, County of San Diego, State of California, as filed in the Office of the County Recorder of San Diego County, October 6, 1971.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct eighty-five residential apartment units and 1,690 square-

foot community room described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 12, 2010, on file in the Development Services Department.

The project or facility shall include:

- a. A residential apartment buildings totaling 91,045 square-feet of floor area housing eighty-five apartment units and community meeting space.
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Retention of the existing 85,494 square feet of commercial office buildings:
 1. 1775 -1785 Hancock Street, a 2-story commercial building, 49,296 square-foot, with underground parking, on parcel 451-590-65;
 2. The American Agar Building at 2120 West Washington Street, a 2-story commercial building, 4,887 square-foot building on parcel 451-590-63;
 3. The Mission Brewery Building at 2150 West Washington Street, a 6-story commercial building, 31,311 square-foot building, designated as an historic structure on the National Register of Historic Places, on parcel 451-590-63;
 4. Associated existing improvements in the existing Mission Brewery Plaza; and
- e. A deviation to allow 15 residential units to be assigned a single parking space;
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

9. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference.
10. As conditions of Planned Development Permit No. 150324, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 52078 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
11. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 52078 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Historical Resources (Archaeological), and Paleontological.
12. Prior to issuance of a building permit, the Applicant/Owner/Permittee shall provide the Assistant Deputy Director a (ADD)/Development Services Department (DSD), a copy of the Property Mitigation Plan (PMP), and any other reports (including Health Risk Assessments or Monitoring Plan (PMP), and any other reports (including Health Risk Assessments or Monitoring Reports, as applicable) provided to the County of San Diego Department of Environmental Health (DEH) or other state agency in conjunction with the review by the DEH and/or California Environmental Protection Agency (Cal EPA) through DEH's Voluntary Assistance Program (VAP) or other regulatory oversight program (collectively, "Administering Agency").
13. Prior to the foundation inspection approval for any building, or project phase, the Applicant/Owner/Permittee shall submit to the ADD of LDR a Letter of Concurrence from the Administering Agency confirming that the mitigation measures recommended in the PMP for the building (s), or project phase (s), have been implemented and that construction of the building (s), or project phase, can proceed. If further remedial action is required during construction activities, based on site assessment activities performed under the direction of the Administering Agency, specific measures shall be incorporated

into the remedial action work plan to ensure human health and public safety issues are adequately addressed.

14. Prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy, it shall be the responsibility of the Owner / Permittee to submit the following to the ADD of LDR a Property Closure Report (PCR) issued by the County of San Diego DEH stating that no further remedial action is required at either of the properties, and confirming that the environmental assessment and mitigation activities in the PMP have been completed to the satisfaction of the Administering Agency. Appropriate holds will be placed on the construction permits by DSD to ensure that occupancy of the buildings does not occur until after this requirement is met.

15. Prior to demolition of the existing building, the Owner/Permittee shall obtain approval from the Air Pollution Control District.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to receiving the first residential building permit, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of a certificate of occupancy, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

18. Prior to the issuance of any construction permit, 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.

19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

20. 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.

21. The drainage system proposed for this development is private and subject to approval by the City Engineer.

22. This project proposes to export 10,750 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material and all such activities require a separate Conditional Use Permit.

23. The Owner/Permittee shall construct an emergency access driveway. The driveway shall have controlled access and a modified rolled curb in lieu of a standard driveway curb cut, satisfactory to the Fire Department and the City Engineer.
24. The Owner/Permittee shall re-construct the curb ramps at the southwesterly corner of Hancock Street and Washington Street and at the northwesterly corner of Washington Street and Kurtz Street to the current citywide standard.
25. 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 in a manner satisfactory to the City Engineer.
26. The drainage system proposed for this subdivision, as shown on the approved improvement plans, is subject to approval by the City Engineer.
27. 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 SWRC.
28. 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 grading 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.
29. The Owner/Permittee shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
30. Prior to Occupancy, the Owner/Permittee shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.
31. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830 unless otherwise shown on the approved Exhibit "A" dated July 12, 2010.

LANDSCAPE REQUIREMENTS:

32. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

34. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

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

36. 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.

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

38. Prior to issuance of any construction permit, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

PLANNING/DESIGN REQUIREMENTS:

39. No fewer than 157 off-street parking spaces, of which 71 are tandem spaces totaling 142 spaces, 12 standard spaces, 3 spaces are accessible parking spaces, nine motorcycle spaces and forty-one bicycle spaces, shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A." Parking spaces

shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager. A deviation is permitted for the assignment of parking spaces recognizing that 14 of the units will be assigned a single space.

40. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

41. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

42. 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.

43. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

44. No building additions, including patio covers, shall be permitted unless approved by the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

45. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

46. 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.

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

48. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

49. Any subsequent conversion of uses outside of those permitted by right in the CC-4-2 zones shall require an amendment to this permit. At least 50 percent of the principal pedestrian level of the existing Mission Brewery Plaza commercial portion of the site shall be used for retail sales and commercial services.

50. The project shall provide and maintain on-site tot-lot area with picnic tables and a shade structure. Trees may function as a shade structure.

51. This permit does not grant approval for any changes to the designated historic structures of the Mission Brewery/American Agar and Chemical Company Building as designated on the National Register of Historic Places, No. 89000805. Any exterior changes to the designated historic structure shall be reviewed by the City of San Diego Development Services Department for historical and environmental compliance.

GEOLOGY REQUIREMENTS:

52. An as-built geologic report must be submitted and approved as part of the building permit process, at the completion of the foundation excavation. The report must be signed by a California Registered Geologist and stipulate that the excavation was observed and that the site is free of faulting or other geologic hazards. Should such hazards be observed, the report shall describe their effects upon the proposed development and provide any required mitigation or set-backs.

TRANSPORTATION REQUIREMENTS:

53. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

FIRE REQUIREMENTS:

54. All buildings on site shall be equipped with a fire sprinkler system satisfactory to the Fire Marshal.

POLICE REQUIREMENTS:

55. The project shall provide payment \$13,148 to cover capital equipment costs associated with provision of 0.94 Full Time Equivalent [FTE] Police Officer demands for this project.

PARK REQUIREMENTS:

56. Prior to issuance of any building permit the Owner/Permittee shall pay the current per-unit Development Impact Fee.

57. Prior to the issuance of any building permits, the Owner/Permittee shall pay a pro rata share of the cost of a community recreation building and community swimming pool, as determined by the Park and Recreation Department, to be paid as an in-lieu park impact fee.

WASTEWATER REQUIREMENTS:

58. Prior to the issuance of any grading permits, the developer shall abandon certain offsite public sewer mains that serve only this site or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director.

59. Prior to the issuance of any building permits, the developer shall provide CC&R's, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of private sewer facilities that serve more than one ownership.

60. Prior to the issuance of any engineering permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for any private sewer facilities, enhanced paving or landscaping located in or over a public right of way.

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

WATER REQUIREMENTS:

62. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch water facilities within the Hancock Street right of way between Noel Street and Washington Street, in a manner satisfactory to the Water Department Director and the City Engineer. If the Owner/Permittee can provide hydraulic calculation to show that that existing water system can carry 2,000 gpm fire flow without exceeding 15 feet-per-second with one critical source of water taken out-of-service, then this condition can be waived.

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

64. 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 Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

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

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

67. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- A Development Impact Fee (DIF) of \$862,168 will be required for this project and will be due at the time of building permit issuance.

APPROVED by the City Council of the City of San Diego on July 12, 2010 by Resolution No. R305974.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

**Mission Brewery Plaza Two Limited
Partnership By: Pacifica Hospitality
Group, Inc., its General Partner
(Owner)**

By: _____
Deepak Israni, Secretary

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

PERMIT/OTHER – Permit Shell 11-01-04