

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
PLANNING & DEVELOPMENT REVIEW

Attachment #4

**AND WHEN RECORDED MAIL TO**  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT AND LA JOLLA PLANNED DISTRICT PERMIT 98-0835  
**DRAPER AVENUE CONDOMINIUMS**  
DRAFT - CITY COUNCIL

This Coastal Development and La Jolla Planned District Permit is granted by the City Council of the City of San Diego to DRAPER PLAZA LLC, A NEVADA LIMITED LIABILITY COMPANY, Owner and Permittee pursuant to Sections 105.0202 and 103.1204 of the Municipal Code of the City of San Diego. The 0.4 acre site is located at 7518 through 7534 Draper Avenue in Zone 5 of the La Jolla Planned District, within the La Jolla Community Planning Area. The project site is legally described as Lots 26, 27, 28, 29, and 30 in Block 12 of La Jolla Park, Map 352.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee for the relocation of a single-family home, the demolition of 13 multi-family units in six existing buildings, and the construction of 12 townhouse condominiums in two, three-story buildings, with a subterranean parking garage, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 21, 2000 on file in the Office of Planning and Development Review. The facility shall include:

- a. The construction of 12 townhouse condominiums in two, three-story buildings totaling 25,729 square feet, over a joint subterranean parking garage, housing 30 off-street parking spaces;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. A maximum three-foot high planter/retaining wall within the front yard setback area; a maximum six-foot high fence/wall along the northerly and southerly property lines; and
- d. 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 Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal

Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the Permit to Planning and Development Review; and
  - b. The Permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego, the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit, unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 21, 2000, on file in the Office of Planning and Development Review. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary 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 special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the 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 Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

10. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 98-0835, satisfactory to the City Manager and the City Engineer. Prior to issuance of the building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Paleontological Resources and Historical Resources.

**ENGINEERING REQUIREMENTS:**

11. All grading shall conform to requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

12. This project shall comply with the conditions of the final map for Tentative Map No. 98-0835.

13. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.

14. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of standard public improvements on Draper Avenue including but not limited to sidewalk, curb & gutter satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, the applicant shall submit an elevation certificate signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on United States Geological Survey datum satisfactory to the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

16. No fewer than 30 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 21, 2000, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with Division 8 of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

17. 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 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.

18. 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.
19. A topographical survey conforming to the provisions of the Municipal Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.
20. 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.
21. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning and Development Review Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
22. All signage associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.
23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
24. The use of textured or enhanced paving shall meet applicable City standards as to location, noise, and friction values.
25. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
26. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
27. No merchandise, material or equipment shall be stored on the roof of any building.
28. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
29. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials of the San Diego Municipal Code 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."

## **HOUSING COMMISSION:**

30. The Owner/Permittee is required to comply with Council Policy 600-3 (Coastal Housing Program) as administered by the San Diego Housing Commission. The Owner/Permittee has executed a "Compliance Permit and Agreement Imposing Covenants and Restrictions on Real Property" with the Chief Executive Officer of the Housing Commission, which Compliance Agreement shall be recorded. Said Compliance Agreement requires the Owner/Permittee to provide to the Housing Commission an acceptable performance security towards the provision of any required replacement units prior to the City staff's recordation of the Coastal Development Permit and the La Jolla Planned District Permit No. 98-0835. City staff's recordation of this permit with the County of San Diego Recorder's Office shall be withheld until the Housing Commission has provided written confirmation of the Owner/Permittee's compliance with the performance security requirement of the agreement. Failure to satisfy the terms of the compliance agreement shall deem this permit null and void.

31. The Owner/Permittee has agreed to provide a relocation assistance payment to the ten (10) low income persons or families who were identified by the Housing Commission's tenant income survey, in accordance with Council Policy 600-3. The Owner/Permittee shall provide relocation assistance payment equivalent to four (4) months current rent, which shall be paid directly to the ten (10) low income persons or families on the day the Specified Tenant(s) vacate their respective unit(s). The Owner/Permittee shall provide current tenants of the project site with six (6) months notice to vacate. Written notice and documentation verifying tenant receipt of these relocation assistance payment(s) shall be made by the Owner/Permittee to the San Diego Housing Commission. This condition of relocation assistance is further described in the Coastal Compliance Agreement executed by the Owner/Permittee and the Housing Commission.

## **LANDSCAPE REQUIREMENTS:**

32. Prior to issuance of any building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 21, 2000, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

33. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

34. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. The Urban Forester must approve of the final selection of the street tree. Copies of these approved documents must be submitted to the City Manager.

35. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended.

Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

36. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

37. A minimum of 50% of all paved surfaces used for pedestrian activity within the private property shall be composed of a textured materials such as brick, stone or tile consistent with the material specifications outlined in Municipal Code Section governing Streetscape Development/Encroachment Permits.

38. The sidewalk surface treatment within the public right-of-way shall be consistent with the material specifications outlined in the Municipal Code Section governing Streetscape Development/Encroachment Permits.

APPROVED by the City Council of the City of San Diego on November 21, 2000.

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