

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**MID-CITY DEVELOPMENT PERMIT NO. 99-1228
CENTRE COURT APARTMENTS
CITY COUNCIL**

This Permit is granted by the City Council of the City of San Diego to DANIEL K. LIEWER, a single man as to an undivided 50% interest, and AGNES C. DOWNING AND TODD O. DOWNING, Co-Trustees of the AGNES C. DOWNING TRUST as to an undivided 50% interest, as Tenants in Common, Owners/Permittees pursuant to Section 103.1501 of the Municipal Code of the City of San Diego. The 0.48 acre (21,000 sq. ft.) site is located at 3974-3992 Centre Street, in the MR-800(B) Zone of the Mid-City Communities Planned District and the Uptown Community Plan Area. The project site is legally described as Lots 42-47, Block 191, University Heights, Amended Map by G.A. D'Hemecourt, Book 8, Page 36 et seq of Lis Pendens.

Subject to the terms and conditions set forth in this permit, permission is granted to Owners/Permittees to demolish five existing residential structures containing nine rental units, and construct a 35-unit apartment building with underground parking and associated site landscaping, 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. 35 apartment-units (each two-bedroom, two-bath, providing approximately 1,250 sq. ft. of floor area) within a 4-story building over underground parking (providing a total enclosed/gross floor area of approximately 58,644 sq. ft.). Entries to the four, first-floor units facing Centre Street shall be revised to reflect direct access to/from Centre Street; and

- b. A 1,250 sq. ft. square-foot recreation room located on the first floor; and
- c. Landscaping (planting, irrigation and landscape related improvements); and
- d. Off-street parking facilities; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

Note: All development shall be implemented according to the colored renderings and revised plans as presented to and approved by the City Council on
November 21, 2000.

- 2. 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.

3. 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 Owners/Permittees sign and return the Permit to the Planning and Development Review Department; and

b. The Permit is recorded in the office of the San Diego County Recorder.

2. 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.

3. This permit is a covenant running with the subject property and shall be binding upon the Owner(s)/Permittee(s) 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.

4. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

5. 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.)

6. The Owners/Permittees 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.

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," 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.

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 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(s) 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(s) of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner(s) comply with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owners/Permittees 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 Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

9. All projects submitted for plan check for the purpose of obtaining building permits shall concurrently submit building plans which meet the submittal requirements of the "Applicant's Guide to Project/Permit Applications;" items 11 through 29, as applicable;

together with appropriate plan check fees.

10. All projects shall be in compliance with Gross Floor Area requirements of the Municipal Code and all appropriate related definitions.

11. All projects shall be in compliance with Municipal Code requirements pertaining to the Maximum Height of a Building or Structure and Procedural Requirements for Determination of Structure Height.

12. All projects shall be in compliance with Topographical Survey Requirements of the Municipal Code and all building plans shall be predicated upon said concurrently submitted topographical survey. Said topographical survey (and accompanying grading plan) shall accurately depict both pre-existing grade and finished grade as set forth in the Municipal Code.

ENGINEERING RELATED CONDITIONS:

13. Prior to issuance of a Certificate of Occupancy, Owner(s)/Permittee(s) shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner(s) shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

15. Prior to the issuance of any building permits, Owner(s)/Permittee(s) shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping within the public right-of-way adjacent to Centre Street.

16. Prior to the issuance of any building permits, Owner(s)/Permittee(s) shall assure, by permit and bond, the closure of the existing driveway on Centre Street and replacement with full-height curb, gutter and sidewalk, the replacement of the existing curb and sidewalk with new curb, gutter and sidewalk, and the replacement of approximately 20 linear feet of alley which is currently asphalt, all satisfactory to the City Engineer.

17. All grading shall conform to requirements in accordance of the Municipal Code in a manner satisfactory to the City Engineer.

PLANNING/DESIGN RELATED CONDITIONS:

18. No fewer than 64 off-street vehicle parking spaces; 3 motorcycle spaces; and 16 bicycle parking spaces shall be maintained on the subject 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 the Municipal Code requirements and shall not be converted for any other use unless

otherwise authorized by the City Manager.

19. A color palette (exterior color chart) has been reviewed and is included as a project feature.

This palette indicates that the following color scheme (or similar) will be utilized:

- a. Shingle roofing - 'Elk' Prestique, Antique Slate;
- b. Wood trim, metal railings and window frames - Architectural White (#397)
- c. Stucco color No. 1 - Expo Peach Cream (#50)
- d. Stucco color No. 2 - Expo Panama Ivory (#51)
- e. Stucco color No. 3 - Expo Desert Mauve (475)

20. Prior to issuance of any building permit(s) revised plans and a materials board shall be submitted which indicate that the building will incorporate variation(s) of more than one color to enhance articulation, and reduce the appearance of bulk and scale.

21. Prior to issuance of any building permit(s) revised plans shall be submitted indicating the relocation of all required bicycle parking spaces from the alley to the interior of the courtyard area.

22. 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.

23. 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.

24. 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(s).

25. 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.

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

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

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

29. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

30. No merchandise, material or equipment shall be stored on the roof of any building.

31. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials 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” dated November 21, 2000.

LANDSCAPE RELATED CONDITIONS:

32. Prior to issuance of any construction permits for structures (including shell), complete

landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) 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 the Planning and Development Review.

33. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, 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 unless specifically noted in this Permit.

35. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees has been established by the owner.

36. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed

during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

37. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A' Landscape Concept Plan, dated November 21, 2000, on file in the Office of Planning and Development Review. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area'.

FIRE SAFETY RELATED CONDITIONS - UNIFORM BUILDING/FIRE CODES:

38. Prior to issuance of any building permit(s) the Site Plan shall be revised to indicate the following:

- a. Building address numbers, visible and legible from the street or road fronting the property. (UFC 901.4.4)
- b. The location of all existing hydrants, within 600'. (UFC 903.2)

39. The building is required to be sprinklered for the following reason: R-1 occupancy, 4 stories in height.

40. Post indicator valves, fire department connections, and alarm bell are to be located on the address/access side of the structure. UFC 1001.4

TRANSPORTATION DEVELOPMENT RELATED CONDITIONS:

41. All tandem spaces shall be assigned to the same residential unit.

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