

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING & DEVELOPMENT REVIEW

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DRAFT
MID-CITY COMMUNITIES DEVELOPMENT PERMIT/
RESOURCE PROTECTION ORDINANCE PERMIT No. 96-7749
CAMBRIDGE SQUARE
CITY COUNCIL
(MMRP)

This Mid-City Communities Development Permit, and Resource Protection Ordinance Permit, is granted by the City Council of the City of San Diego to Mehran Saberi, President, Mayfair Homes, Owner and Permittee, pursuant to Sections 101.0462 and 103.1503 of the Municipal Code of the City of San Diego. The 0.69 acre site is located at 2720 Fourth Avenue in the MR-800 and NP-1 zones of the Uptown Community Plan Area. The project site is legally described as Lots D through I inclusive in block 308 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling, on file in the Office of the County Recorder of Said County of San Diego.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to demolish the existing Elk's Lodge building and construct 34-unit residential condominiums, two to four stories over an underground garage, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated January 9, 2000, on file in the office of the Planning & Development Review Department. The facility shall include:

- a. Thirty-four residential condominium units in four buildings, totaling 52,210 square feet of residential area, two to four stories over 26,298 square-feet of underground garage;
 - b. Landscaping (planting, irrigation and landscape related improvements); and
 - c. Off-street parking facilities; 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 decisionmaker.

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 & Development Review; and
 - b. The Permit is recorded by Planning & Development Review in the office of the San Diego County Recorder.
3. 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.
4. 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.
5. 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 January 9, 2000, on file in the Office of Planning & Development Review. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

ENVIRONMENTAL REQUIREMENTS:

6. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report, LDR No. 96-7749, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading and/or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources, and Paleontological Resources.
7. The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$1,500.00 to be collected prior to the issuance of the first grading and/or building permit, to cover the City's costs associated with implementation of the MMRP.
8. Prior to issuance of the first grading and/or building permit, the Owner/Permittee shall add a note to the project plans regarding a commemorative plaque to be installed on the perimeter wall of the project identifying the site as the location of the historic Mitchell Residence to the satisfaction of the City Manager.
9. Prior to issuance of the first occupancy permit, the Owner/Permittee shall provide a drawing of the commemorative plaque to be reviewed and approved by the City Manager.
10. Prior to issuance of the first occupancy permit, the commemorative plaque shall be installed on the perimeter wall to the satisfaction of the City Manager.

ENGINEERING REQUIREMENTS:

11. Prior to building occupancy, the applicant 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 shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
12. The drainage system proposed for this development, as shown on the approved site plan, is subject to approval by the City Engineer.
13. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping for all three streets, and a sidewalk underdrain in Third Avenue.
14. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of the existing curb, gutter and sidewalk (curb and gutter to current standards and sidewalk in its original style), including the closure of existing driveways with restoration to full-height curb, gutter and sidewalk) and the installation of three new driveways, a 14-foot and a 20-foot driveway on Third Avenue and a 14-foot driveway on Fourth Avenue, and a sidewalk underdrain on Third Avenue, satisfactory to the City Engineer. The existing pedestrian ramps do not need replacement.
15. Prior to the issuance of any building permits, the applicant shall obtain a grading permit for any work within the public right-of-way.
16. The developer shall provide evidence that each unit will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer facilities that serve more than one unit.

PLANNING/DESIGN REQUIREMENTS:

17. No fewer than 68 off-street automobile parking spaces and five motorcycle parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated January 9, 2000, available in the office of the Planning & Development Review Department. 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.
18. There shall be compliance with the regulations of the underlying zones unless a deviation or variance to a specific regulation 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.
19. The heights of the buildings or structures 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.
20. 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 regulation of the underlying zone. The cost of any such survey shall be borne by the permittee.

21. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zones which are in effect on the date of the submittal of the requested amendment.
22. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning & Development Review Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
23. The height of the chimneys shall not exceed 60 feet.
24. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
25. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
26. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
27. 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.
28. 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".

LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any building permit for structures, 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 January 9, 2000, on file in the office of Planning and Development Review Department.
30. Prior to issuance of any engineering permits for public right-of-way improvements, complete landscape construction documents, including plans, details and specifications identifying landscape improvements in the public right-of-way (including permanent automatic irrigation system unless otherwise approved) shall be submitted to the City Manager for approval. Improvement plans shall identify a 40 square foot permeable area for each street tree in the right-of-way. This area shall be identified as a rectangle with an "X" through it and labeled "permeable area for street tree." Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees to the satisfaction of the City Manager. Location of street trees shall be identified and reserved during improvement activities with actual installation taking place prior to occupancy of the first building on the site. The construction documents shall be in

ATTACHMENT 5

substantial conformance with Exhibit "A," Landscape Concept Plan, dated January 9, 2000, on file in the Office of Planning and Development Review.

31. Prior to issuance of any engineering permits for grading, interim landscape and erosion control measures, including slope revegetation and hydroseeding of all disturbed land (all slopes and pads) in accordance with the Landscape Technical Manual, shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated January 9, 2000, on file in the office of Planning and Development Review Department and all other applicable conditions of any related permits.
32. 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.
33. 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
34. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved documents 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.
35. 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
36. Prior to the recordation of the Final Map the subdivider shall submit complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required street tree improvements and the erosion control for new slope areas. The landscape construction documents shall be in substantial conformance with Exhibit "A" dated January 9, 2000, Landscape Concept Plan, on file in the Office of Planning & Development Review. This condition shall be assured by permit and bond.
37. Prior to the recordation of the Final Map, the Permittee or subsequent Owner/Developer shall submit for review a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the Final Map.

APPROVED by the City Council of the City of San Diego on January 9, 2000.

ALL-PURPOSE CERTIFICATE

Type/Number of Document: TM/MCCDP/RPO No. 96-7749
Date of Approval January 9, 2000

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Juan Baligad, Development Project Manager

On January 9, 2000, before me, Phillip D.Hill (Notary Public), personally appeared Juan Baligad, Development Project Manager of Planning & Development Review of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
Phillip D. Hill

(Seal)

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____ Signed _____
Typed Name Typed Name

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On _____ before me, _____ (Name of Notary Public) personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)