

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MID-CITY AND SITE DEVELOPMENT PERMIT NO. 41-0464
NOB HILL
CITY COUNCIL

This Permit is granted by the City of San Diego to CARTER REESE NO 14 LP, A CALIFORNIA LIMITED PARTNERSHIP, Owner/Permittee pursuant to the Land Development Code of the City of San Diego. The 0.92-acre site is located at 2330 First Avenue within the MR-1000(B) and NP-3 Zone(s) of the Mid-City Communities Planned District and Uptown Community Plan Area. The project site is legally described as Lots D, E, F, G, H, I, in Block 266 of Horton's Addition, according to map thereof by L.L. Lockling; Together with Parcel 2 of Parcel Map No. 18651; and

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to demolish existing structures and develop a 51-unit, multi-story apartment building fronting on First Avenue and Juniper Street, and six (6) multi-story rowhouses fronting on Front and Juniper Streets, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated _____, 2002, on file in the office of the Development Services Department. The facility shall include:

- a. A total of 51-apartment dwelling units, within four detached buildings (with connected roofs to provide fire access), totaling approximately 59,000 square-feet, including manager's office and workout room, located on the easterly portion of the site fronting on First Avenue, and (6) rowhouses (for-sale condominiums), totaling approximately 15,500 square-feet, located on the westerly portion of the site fronting on Front Street;
- 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 Land Development Code in effect for this site.

- e. This Permit shall also reflect the rezoning of an easterly portion of the subject property from NP-3 to NP-1 (Mid-City Communities Planned District), as depicted on B-Sheet B-4168. This Project shall reflect approval of Community Plan Amendment, Rezone and Tentative Parcel Map No. 41-0464.

The following deviations from requirements of the Mid-City Communities Planned District Ordinance are being incorporated into the project, as noted on Exhibit "A" dated _____ -

- a. 15' setback along Juniper Street;
- b. 15' rear yard setback requirement;
- c. 10' front yard setback requirement;
- d. The interior side setback requirements;
- e. Required off-street parking;
- f. Required street yard;
- g. Floor Area Ratio; and
- h. Maximum diagonal plan dimension.

GENERAL REQUIREMENTS:

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, rezone and tentative map, unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

- a. This Permit/Project shall comply with all associated Conditions of Tentative Map No. 41-0464 as applicable.
- b. This Permit/Project shall comply with all associated Conditions of Rezone No. 41-0464 as applicable. Rezoning shall become effective upon obtaining building permits within three years (36 months) of the date of final City action. If building permits are not obtained within this timeframe, the property shall remain zoned NP-3, Mid-City Communities Planned District.

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 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 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. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.
9. 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 _____, 2002, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
10. 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:

11. The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$450.00 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 41-0464, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources

PLANNING/DESIGN REQUIREMENTS:

13. No fewer than 89 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated _____, on file in the office of Development Services Department. 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.

14. 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.

15. 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.

16. A topographical survey conforming to the provisions of the Land Development 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.

17. 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.
18. Prior to the recording of this permit, the applicant shall grant to the San Diego Unified Port District) an avigation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement. A copy of the avigation easement shall be attached to this permit when the permit has been signed and notarized and is returned to the office of the Development Services Department for recording with the County Recorder.
19. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement.
20. All signage associated with this development shall be consistent with Citywide sign regulations.
21. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
22. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values
23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
24. No material or equipment shall be stored on the roof of any building.
25. 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.
26. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (Land Development Code Sec.) 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".
27. The Owner/Permittee agrees not to oppose the development of a Landscape Maintenance or Business Improvement District if one is ever proposed for the Uptown neighborhood which proposes the promotion of a pleasing pedestrian environment with improved pedestrian circulation and pedestrian-oriented lighting. This shall include participation on a pro rata basis in

the cost of installing such lighting fixtures at such time as ornamental lighting is installed on abutting properties..

LANDSCAPE REQUIREMENTS:

28. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

29. 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, 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'.

30. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (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, on file in the Office of Planning and Development Review.

31. 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. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with the Exhibit A, Landscape Concept Plan, on file in the Office of Planning and Development Review.

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. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

33. 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.

34. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements, including right-of-way landscaping, consistent with the Landscape Standards and CC&R's for this development.

- a. Prior to issuance of any building permits, a copy of the CC&R's shall be provided for review by the Development Services Manager.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be 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.

ENGINEERING REQUIREMENTS:

36. Prior to issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering 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.

37. The drainage system proposed with this development is subject to approval by the City Engineer.

38. This project proposes export of 4,000 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 processing and sale of the material. All such activities require a separate Conditional Use Permit.

39. Prior to the issuance of any permits, the applicant shall assure by permit and bond the reconstruction of curb, gutter and sidewalk along Front Street, Juniper Street, and First Avenue fronting the development satisfactory to the City Engineer.

40. Prior to the issuance of any permit, the applicant shall assure by permit and bond the construction of pedestrian ramps at the northeast corner of Juniper Street and Front Street and the north west corner of First Avenue and Juniper Street satisfactory to the City Engineer.

41. Prior to the issuance of any permits, the applicant shall assure that the design of the sidewalk and driveway is in substantial conformance with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color and the material satisfactory to the City Engineer. An Encroachment Removal Agreement shall be required for the non-standard driveway finishing.

42. Prior to the issuance of the Certificate of Occupancy, the applicant shall provide evidence of a shared access agreement for the driveway between Parcel 1 and Parcel 2.

43. Prior to building occupancy, the applicant shall conform to 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.

44. Prior to processing of the Tentative Map, the following note shall be added to the Map, "This is a map of a condominium project as defined in Section 1351 of the Civil Code of the State of California, and filed pursuant to the Subdivision Map Act. The total number of units is 6". For clarification purposes Parcel 1 of the Tentative Map is intended to accommodate the 51-unit apartment building. Parcel 2 of the Tentative Map is a map of a six-unit condominium project.

WASTEWATER REQUIREMENTS:

45. Prior to the issuance of any building permits, the developer shall assure by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

46. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

47. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.

48. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

49. Prior to the issuance of any building permits, the Owner/Permitted shall assure by permit and bond, the design and construction of new water service(s), and the removal of all existing unused services adjacent to the project site in a manner satisfactory to the Water Department Director and the city Engineer.

50. All on-site water facilities shall be private including domestic, irrigation and fire systems.

51. Prior to the issuance of any building permits, the Owner/Permittee shall provide CC&R's for the operation and maintenance of the on-site private water facilities that serve or traverse more than a single condominium unit.

52. Prior to issuance of any Certificate 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.

53. Prior to the issuance of any building permits, the Owner/Permitted shall obtain encroachment maintenance and removal agreements for all private water facilities within public right-of-way.

54. The Owner/Permitted 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 Facilities Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A", dated _____ shall be modified to comply with standards at final engineering in a manner satisfactory to the Water Department Director and the City Engineer.

TRANSPORTATION REQUIREMENTS:

55. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000, to the satisfaction of the City Engineer.

INFORMATION ONLY

a. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

b. A Development Impact Fee (DIF) of \$800 per single-family unit is required for this project and is due at the time of building permit issuance. In the event of demolition of existing buildings on the site, the developer must provide Facilities Financing with the number of residences and/or square footage and usage information for nonresidential buildings so that credits for Development Impact and Housing Trust fees may be accurately calculated.

APPROVED by the City Council of the City of San Diego on _____, 2002.

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