



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 17, 2009 **REPORT NO. PC-09-050**

ATTENTION: **Planning Commission, Agenda of June 25, 2009**

SUBJECT: AQUATERA APARTMENTS - PROJECT NO. 177983.
PROCESS 4

REFERENCE: Planning Commission Report No. 05-180

**OWNER/
APPLICANT:** H.G. Fenton Company (Attachment 10)
KLR Planning

SUMMARY

Issue(s): Should the Planning Commission approve a request to amend a prior permit to allow deviations to sign regulations for a Multi-family development under construction in the Mission Valley Community Plan area?

Staff Recommendation: APPROVE Planned Development Permit No. 640230 and Site Development Permit No. 657839 to amend Planned Development Permit No. 212959 and Site Development Permit No. 9430.

Community Planning Group Recommendation: On June 3, 2009, the Mission Valley Unified Planning Committee voted 19-0-2 to recommend approval of the project with the conditions that the graphical content be consistent throughout and that revisions based on substantial conformance shall be referred to the Design Advisory Board and Mission Valley Planning Group (Attachment 9).

Environmental Review: The project has been determined to be exempt from the California Environmental Quality Act per Section 15301(g)-Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 20, 2009, and the opportunity to appeal that determination ended June 4, 2009.

Fiscal Impact Statement: None. A deposit account is maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The project is only to allow deviations from the Municipal Code sign regulations. There is no housing impact with this action.

BACKGROUND

The subject property is located at 5777 Mission Center Road, between Mission Valley Road and Sevan Court, in the Mission Valley Community Plan area (Attachment Nos. 1-3). The project site is surround by single-family residences to the north; Mission Center Road to the west; unimproved Mission Valley Road to the south; and the approved future Quarry Falls project to the east.

On April 28, 2005, the Planning Commission approved Planned Development Permit No. 212959 and Site Development Permit No. 9430 to construct eight three-story multi-family structures containing a combined total of 268 apartment units, one two-story resident community building, and associated site improvements on the former 17.04-acre quarry site (Attachment 8). Construction permits have been issued for 254 residential units and the development is nearing completion.

DISCUSSION

Project Description:

The proposed project is to amend the approved Planned Development and Site Development Permit to allow deviations to sign regulations. The Municipal Code allows one 20'-0" square foot sign for each street frontage. The proposed project has two street frontages including Mission Center Road and the future extension of Mission Valley Road (Quarry Falls Boulevard). The project proposes two, 20'-0" square foot signs on Mission Center Road and one 23.1' square foot sign for Mission Valley Road at the intersection of Mission Center Road. The table below further clarifies this deviation:

PROPOSED DEVIATIONS

SAN DIEGO MUNICIPAL CODE SECTION	STREET	ALLOWED	PROPOSED
142.1270(d)(2)(A)	Future Extension of Mission Valley Road	One sign	Consistent with requirements. No deviations proposed.
	Mission Center Road	One sign	Project proposes two signs where only one is allowed. Deviation required.
142.1270(d)(2)(D)	Future Extension of Mission Valley	Sign area shall not exceed 20 square feet for	The proposed sign on the Mission Valley Road frontage would be 23.1

	Road	each street frontage.	square feet. This exceeds the allowable sign area by 3.1 square feet. Deviation required.
	Mission Center Road	Sign area shall not exceed 20 square feet for each street frontage.	Consistent with requirements. No deviations proposed.

Community Plan Analysis:

The proposed project to deviate from sign regulations is minor in scope and would be consistent in size and signage with many residential developments in Mission Valley.

Environmental Analysis:

Although this project has been determined to be exempt from the California Environmental Quality Act, the previous approval included certification of Mitigated Negative Declaration No. 5700 and adoption of a Mitigation, Monitoring and Reporting Program (MMRP). The MMRP is still in effect for the construction of the development and the owner remains responsible for those mitigation measures.

Conclusion:

Staff supports the proposed project and requested deviations to construct signage at the approved residential development as it is consistent with the intent of the Mission Valley Planned District. Staff recommends that the Planning Commission approve Planned Development Permit No. 640230 and Site Development Permit No. 657839 for the proposed Aquatera Apartments project.

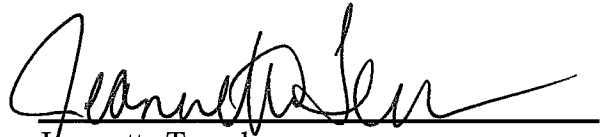
ALTERNATIVES:

1. **Approve** Planned Development Permit No. 640230 and Site Development Permit No. 657839, **with modifications.**
2. **Deny** Planned Development Permit No. 640230 and Site Development Permit No. 657839, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Jeannette Temple
Development Project Manager
Development Services Department

WESTLAKE/JT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Planned Development Permit No. 212959/Site Development Permit No. 9340
9. Community Planning Group Recommendation
10. Ownership Disclosure
11. Project Chronology

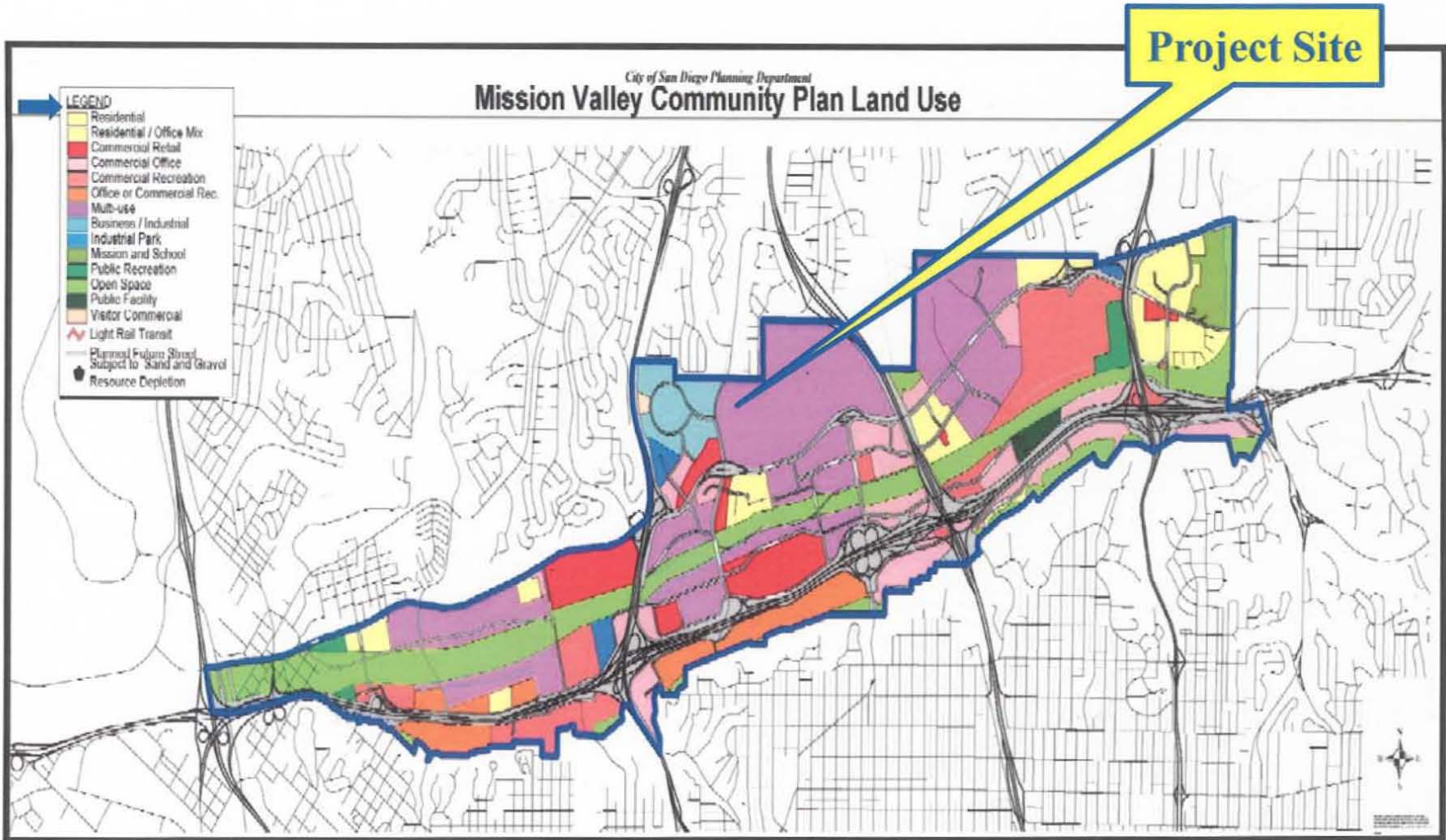


Aerial Photo

AQUATERA APARTMENTS - 5777 MISSION CENTER ROAD

PROJECT NO. 177983





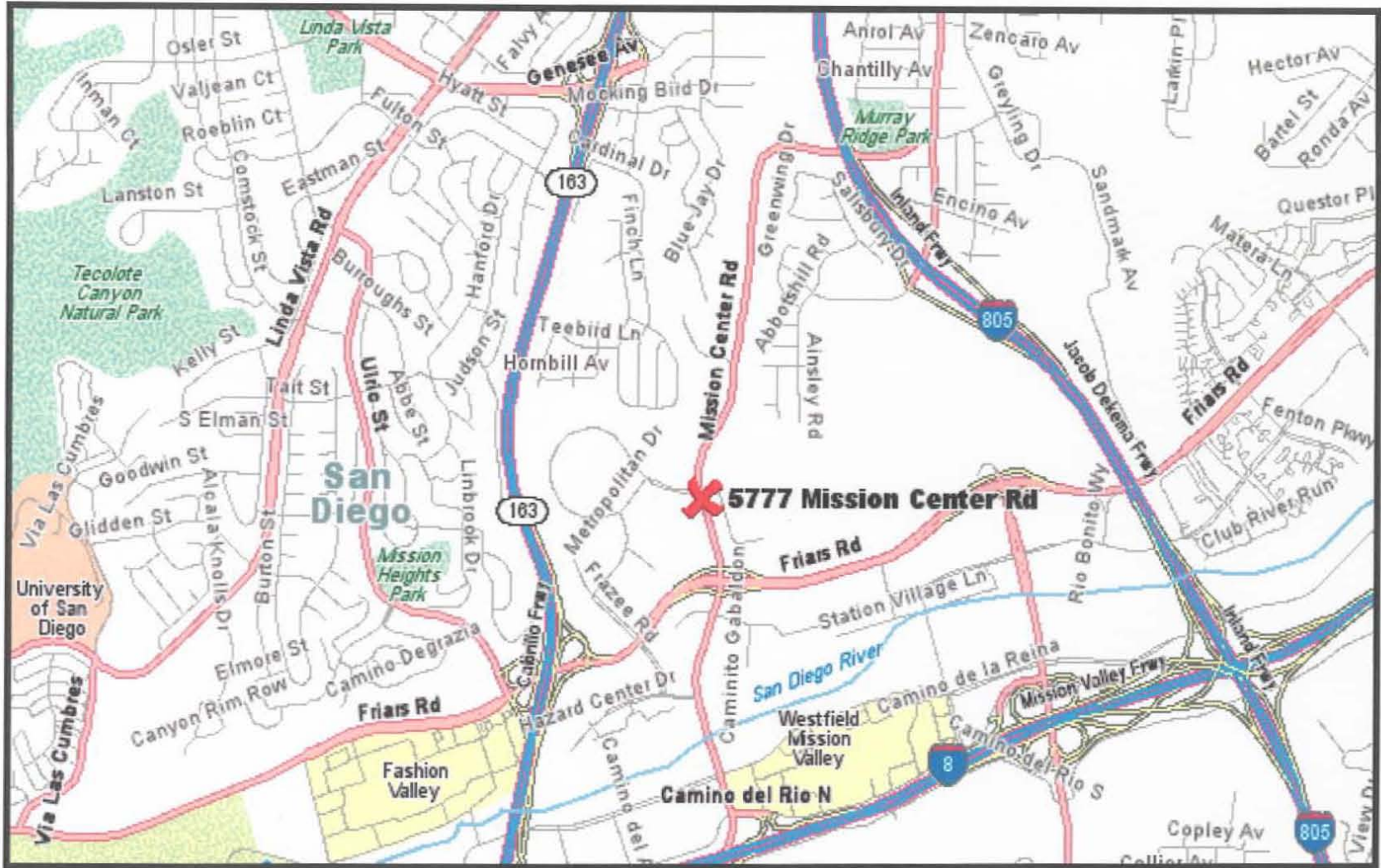
ATTACHMENT 2

Land Use Map

AQUATERA APARTMENTS – 5777 MISSION CENTER ROAD

PROJECT NO. 177983





Project Location Map

AQUATERA APARTMENTS – 5777 MISSION CENTER ROAD
PROJECT NO. 177983



PROJECT DATA SHEET

PROJECT NAME:	Aquatera Apartments
PROJECT DESCRIPTION:	Planned Development Permit/Site Development Permit to deviate from sign regulations
COMMUNITY PLAN AREA:	Mission Valley
DISCRETIONARY ACTIONS:	Planned Development Permit and Site Development Permit to amend PDP 212959 and SDP 9430
COMMUNITY PLAN LAND USE DESIGNATION:	Multiple Use

ZONING INFORMATION:

ZONE: MV-M

HEIGHT LIMIT: none

LOT SIZE: 40,000 square-foot minimum lot size.

FLOOR AREA RATIO: maximum.

FRONT SETBACK: none

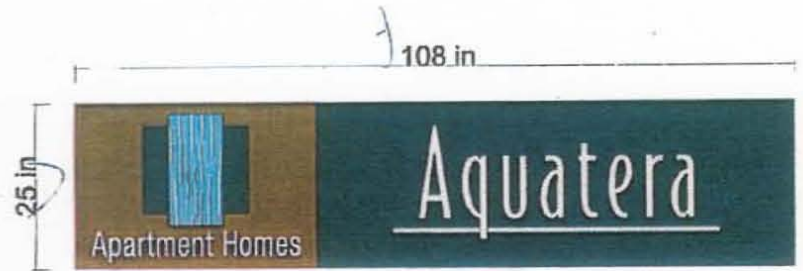
SIDE SETBACK: 10 feet.

STREETSIDE SETBACK: 15 feet.

REAR SETBACK: 15 feet.

PARKING: 488 parking spaces provided

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Single-Family Residential; RS-1-7.	Residential
SOUTH:	MV-M	Quarry Operations/Future Quarry Falls
EAST:	MV-M	Quarry Operations/Future Quarry Falls
WEST:	Mission Valley Heights Specific Plan	Industrial/Commercial
DEVIATIONS OR VARIANCES REQUESTED:	To increase size and number of signs at entrances to project.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On June 3, 2009, the Mission Valley Unified Planning Committee vote - - - to recommend approval of the project with no conditions.	



(Day Version)



(Night Version)



- PMS 297
- PMS 2767
- Tera Cotta (Matthews Nuance 22A-1A)

* Site survey required to verify measurements.

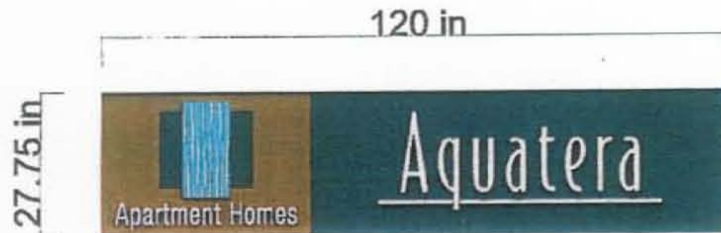
THIS DESIGN CONCEPT IS AND WILL REMAIN THE EXCLUSIVE PROPERTY OF WOLFPACK SIGN GROUP. IT CANNOT BE DISPLAY OR COPIED IN WHOLE OR IN PART WITHOUT WOLFPACK SIGN GROUP'S EXPRESSED WRITTEN CONSENT.

DETAIL

- GRAPHICS/TEXT: Entry Monument -
- SUB: Illuminated cabinets
- INSTALLATION: Location: at either side of main entry to property. Structure by others per plans. GC is responsible for supplying electrical service to the monument per WSG supplied specifications.

PROJECT NOTES

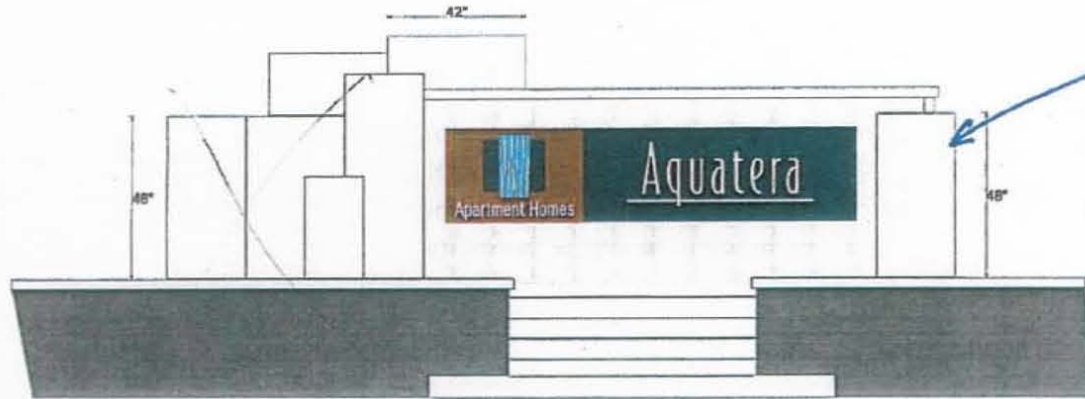
Client: Crane Dev./ H.G. Fenton		<input type="checkbox"/> Approved AS IS	<input type="checkbox"/> Approved with marked changes
Project: Summit Falls		<input type="checkbox"/> New Proof Required	
Location: San Diego, CA		Approved by: _____	
Reference # M.I	Revision Dates 10-17/07 20-6/9/08	Quantity 2	Project Manager: Rense Fink, ext.201 Designer: Adrienne Kakazu, ext. 212 Julia Carrabino, ext. 211 Production Manager: Ryan Meyer, ext.204
			<small>AFTER CORRECTIONS ARE MADE, YOUR SIGNATURE RELEASES WOLFPACK SIGN GROUP FROM THE RESPONSIBILITY FOR ERRORS APPEARING ON ART THAT MAY BE DISCOVERED WHEN THE WORK IS COMPLETED. THIS IS AN ORIGINAL WOLFPACK SIGN GROUP DESIGN. ALL RIGHTS TO USE OR REPRODUCE, IN WHOLE OR IN PART IN ANY FORM OR TO FABRICATE OR PRODUCE AND LIKENESS THEREFORE SHALL REMAIN THE EXCLUSIVE RIGHT OF WOLFPACK SIGN GROUP</small>



(Day Version)



(Night Version)



WALL BY OTHERS
(EXISTING)

- PMS 297
- PMS 2767
- Tera Cotta (Matthews Nuance 22A-1A)

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DETAIL

PROJECT NOTES

- GRAPHICS/TEXT: Major Entry Monument -
- SUB: Illuminated cabinets
- INSTALLATION: Location: at either side of main entry to property. Structure by others per plans. GC is responsible for supplying electrical service to the monument per WSG supplied specifications.

Client: Crane Dev./ H.G. Fenton
Project: Summit Falls
Location: San Diego, CA

- Approved AS IS
- Approved with marked changes
- New Proof Required

Approved by: _____

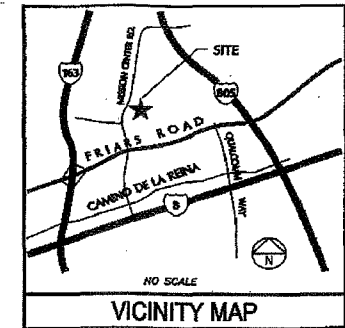
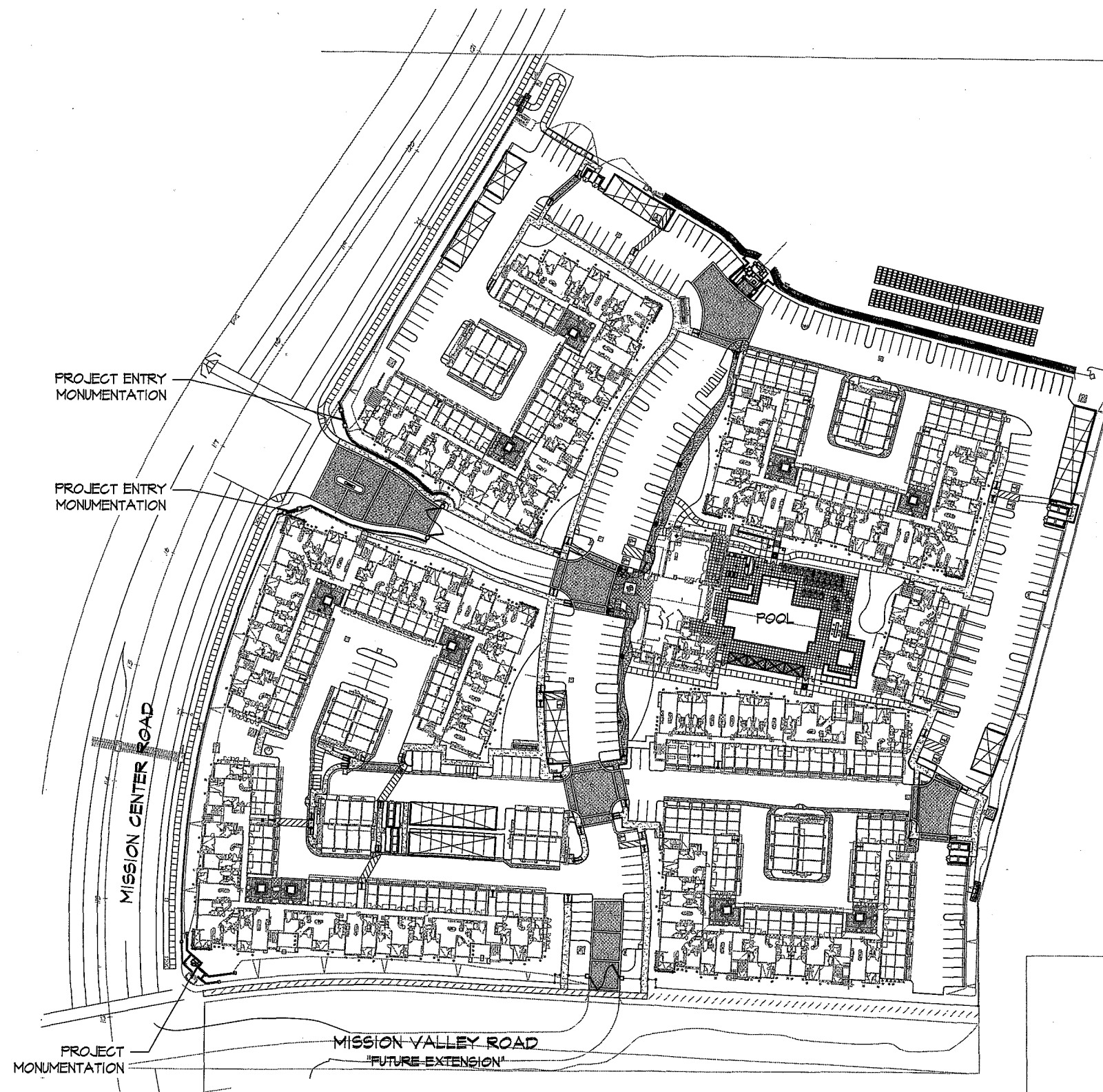
Reference #
M.2

Revision Dates
10-1/7/07
20-6/5/08

Quantity
1

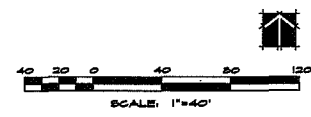
Project Manager
Renee Fink, ext.201
Designer
Adrienne Kokazu, ext. 212
Julia Carrabino, ext. 211
Account Manager
Ryan Meyer, ext.204

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DEVELOPMENT SUMMARY	
PROJECT DESCRIPTION	Scope of work: The provision of three monument signs for the Aquatera apartment community. One monument sign is to be located at the northeast corner of Mission Valley Road and Mission Center Road. The additional two monument signs will be located at the project entry off Mission Center Road. The project site is currently being developed as a 254-unit two- and three-story apartment community. Features of the apartment community include a fitness center, a community room, a pool facility complete with spa and barbecue areas. Parking is facilitated by a combination of tuck-under garages and surface parking.
Existing Improvements:	The project proposes a deviation to §142.1270(c)(2)(A) to allow an additional monument sign and §142.1270(c)(2)(D) to allow for greater sign square footage than permitted in the LDC.
Proposed development deviations:	Planned Development Permit to amend PDP 212959
Required discretionary approvals:	
LEGAL DESCRIPTION	Parcel 2 of Parcel Map Number 12442
ASSESSOR PARCEL NUMBER	677-220-1400
OWNER	H.G. Fenton Company 7577 Mission Valley Road, Suite 200 San Diego, California 92108
ZONING DESIGNATION	MVPD-MV-M
GROSS SITE AREA	17.04 acres

PROPOSED DEVIATIONS			
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	Mission Center Road	Sign area shall not exceed 20 square feet for each street frontage.	Consistent with requirements. No deviations proposed.



AQUATERA SAN DIEGO, CALIFORNIA



7577 Mission Valley Road, Suite 200, San Diego, California 92108
Phone: 619.400.0120 Fax: 619.400.0111

NOTE:
1. MECHANICAL EQUIPMENT LOCATED WITHIN LANDSCAPED AREAS SHALL BE SCREENED BY PLANT MATERIAL AND/OR SCREENWALLS WHERE APPROPRIATE.
2. SCREENINGS WILL BE PROVIDED FOR ALL UTILITIES, INCLUDING TRANSFORMERS AND TELEPHONE BOXES.

Consultant:
gmp
Gillespie
Moody
Patterson, Inc.
LANDSCAPE ARCHITECTURE
& PLANNING
www.gmplandarch.com
9404 Genesee Avenue
Suite 1400 La Jolla
California 92 37-1353
Tel 858 558 8977
Fax 858 558 9188

LANDSCAPE ARCHITECTURE & PLANNING

Prepared By: GILLESPIE MOODY PATTERSON, INC.
Name: 9404 GENESSEE AVENUE
Address: SUITE 1400
LA JOLLA, CA 92037-1353
Phone #: (858) 558-8977
Project Address: 8777 Mission Center Road
SAN DIEGO, CA 92108
Project Name: Aquatera

- Revision 14: _____
- Revision 13: _____
- Revision 12: _____
- Revision 11: _____
- Revision 10: _____
- Revision 9: _____
- Revision 8: _____
- Revision 7: _____
- Revision 6: _____
- Revision 5: _____
- Revision 4: _____
- Revision 3: _____
- Revision 2: _____
- Revision 1: 11/4/08

Legal Description: Please refer to legal description table on title sheet.
Original Date: 8/6/08

Sheet Title: _____
Sheet 1 of 3 sheets
PCD/RPO# _____

PLOT DATE: 5/13/2009

Package Copy

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 432235

PLANNED DEVELOPMENT PERMIT NO. 640230
SITE DEVELOPMENT PERMIT NO. 657839
AQUATERA APARTMENTS - PROJECT NO. 177983
AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 212959 AND SITE
DEVELOPMENT PERMIT NO. 9430
PLANNING COMMISSION

This Planned Development Permit No. 640230 and Site Development Permit No. 657839, amendment to Planned Development Permit No. 212959 and Site Development Permit No. 9430 is granted by the Planning Commission of the City of San Diego to H.G. Fenton Property Company, a California Corporation, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 17.04 acre site is located at 5777 Mission Center Road in the MVPD-MV-M Zone of the Mission Valley Planned District within the Mission Valley Community Plan area. The project site is legally described as Parcel 2 of Parcel Map No. 12442.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to deviate from sign development regulations, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 25, 2009, on file in the Development Services Department.

The project shall include:

- a. Three monument signs for a residential apartment complex with two street frontages where one sign per frontage is allowed by right;
- b. One 23.1 square foot and two 20 square foot signs where 20 square feet maximum area per sign is allowed by the Municipal Code;
- c. Accessory improvements determined by the Development Services Department 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. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Planned Development Permit amends Planned Development Permit No. 212959 and Site Development Permit No. 9430. All conditions of the prior permit remain in effect except where modified by this permit for sign regulation deviations.
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 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.
4. 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 Development Services Department.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction 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.

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 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.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

12. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit "A".

13. The Owner/Permittee shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer.

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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 25, 2009, by Resolution No. PC-XXXX.

Permit Type/PTS Approval No.: PDP 640230
Date of Approval: June 25, 2009

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeannette Temple, Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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.

H.G. Fenton Property Company
Owner/Permittee

By _____
Allen Jones, Vice President

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

PLANNING COMMISSION RESOLUTION NO. PC-XXXX
PLANNED DEVELOPMENT PERMIT NO. 640230
SITE DEVELOPMENT PERMIT NO. 657839
AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 212959 AND SITE DEVELOPMENT
PERMIT NO. 9430
AQUATERA APARTMENTS - PROJECT NO. 177983

WHEREAS, H.G. Fenton Property Company, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a permit to deviate from sign development regulations (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 177983), on portions of a 17.04 acre site;

WHEREAS, the project site is located at 5777 Mission Center Road in the MVPD-MV-M Zone of the Mission Valley Planned District within the Mission Valley Community Plan area;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 12442;

WHEREAS, on June 25, 2009, the Planning Commission of the City of San Diego considered Planned Development Permit No. 640230 and Site Development Permit No. 657839, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 20, 2009, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301(g) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 25, 2009.

FINDINGS:

Planned Development Permit – Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

Aquatera is a 254-unit two- and three-story apartment development on 17.04 acres located at 5777 Mission Center Road, between Mission Valley Road and Sevan Court. Formerly known as the Murray Canyon Apartments, Aquatera is an approved 268 residential unit project under Planned Development Permit (PDP) No. 212959 and Site Development Permit (SDP) No. 9430, which were granted on June 15, 2005. The construction of the project is currently under way.

The project is located in the Mission Valley Community Plan area. The project site is designated as Multi Use on the Mission Valley Community Plan Land Use Map. The project

proposes an amendment to approved PDP 212959/SDP 9430 to deviate from the City's Sign Regulations. The project proposes three monument signs: one on Mission Valley Road (future extension) and two on Mission Center Road. The sign proposed for Mission Valley Road (future extension) would be 23.1 square feet in size, where the City's Sign Regulations allow 20 square feet. A deviation is required to allow for the additional 3.1 square feet of sign area. For the Mission Center Road signage, the City's Sign Regulations would allow one sign. The project is proposing two signs at the entry to the project to create symmetry at the project entry. Each of these signs would be 18.7 square feet in size, less than the maximum of 20 square feet allowed in the City's sign regulations. However, a deviation would be required to allow for the additional sign.

The proposed change to the approved permit would have no effect on the site's land use designation or other land use recommendations contained in the Mission Valley Community Plan. Design guidelines in the Community Plan regarding "street graphics," which include private signing, state that signage should be designed to complement the architectural design of buildings and developments, and that signage for adjacent developments should be compatible and not attempt to "out shout" each other. All of the project's signage will be located on the same development site and will complement each other, as well as the design of the Aquatera Apartments project. The proposed amendment is also consistent with the design of the Aquatera Apartments, and similar in size and number to other developments in Mission Valley. The proposed PDP Amendment would not adversely affect the Mission Valley Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project will not be detrimental to the public health, safety, and welfare. It does not propose the use or storage of hazardous materials and is designed in a manner that will promote the safety and awareness of drivers in the surrounding areas. The primary purpose of the proposed permit is to facilitate access to the Aquatera Apartments project through convenient placement of project signage. In this manner, the proposed PDP Amendment has the potential to improve public safety, as motorists would be less likely to miss entry into the project, necessitating a U-turn at the Mission Center Road and Mission Valley Road intersection.

3. The proposed development will comply with the regulations of the Land Development Code.

The project requests the following deviations:

- Number of property identification ground signs allowed
- Size of property identification ground sign

§142.1270(d)(2)(A) of the San Diego Municipal Code states that one sign is permitted for each street frontage. The project proposes that an additional monument sign be constructed at the property's entryway, which fronts along Mission Center Road. Construction of this sign would exceed the regulations as outlined by the General Regulations in the San Diego

Municipal Code, Chapter 14, Article 2, Division 12, but is essential to provide visibility for the project and minimize motorists' difficulty in accessing the project. Southbound vehicles searching for the Aquatera Apartments may not be alerted to the apartment's location until they have already passed it. The main project entry occurs at a curve in Mission Center Road coming south out of the Serra Mesa community, which masks the main entry until the road straightens out at the intersection of Mission Center Road and Mission Valley Road, past the project's main entry. Motorists that seek Aquatera Apartments would then have to make a legal U-turn at Mission Valley Road and back-track north on Mission Center Road to the project entry. Erecting an additional property identification monument sign at the project's main entry drive aids in identifying the property, and will result in less traffic problems caused by visitors or future residents making U-turns at the aforementioned intersection.

§142.1270(d)(2)(D) of the San Diego Municipal Code states that the sign area shall not exceed 20 square feet for each side of a double-faced sign. The project proposes a sign fronting on the future extension of Mission Valley Road at the corner of Mission Center Road that is 23.1 square feet. Increasing the size of the monument signs is proposed in keeping with the bulk and scale of the project at this location. Under the current sign regulations, a permanent monument sign is allowed to be 20 square feet in area. The design of the monument sign at the project's Mission Valley Road frontage includes fountains and lights, resulting in aesthetically pleasing signage that is complementary to the project's overall design. Additionally, the added square footage would make the sign more readily visual and legible to traffic.

For these reasons, the proposed deviations are acceptable. The proposed project complies with all other applicable regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community.

The design of the Aquatera Apartments' monument sign is comprehensive, taking into account its surrounding area and environment. The added monument clearly fits as a symmetrical complement to the other property identification signs at the property's access point, creating a visually pleasing entryway into the apartment community, and with the project's southern boundary at the intersection of Mission Center Road and Mission Valley Road. This additional sign would enhance the character of the project, as well as the community, by including an aesthetically pleasing – and balanced – demarcation of the apartment project's presence.

The additional sign will be constructed with consideration to the adjacent walkway, creating an opportunity for the installation of streetscape planting to enhance the impression of the pedestrian walkway. Additionally, this monument sign will inform pedestrians about the development they are about to enter.

Furthermore, the additional entry monument would be beneficial to the community as it would minimize the need for a legal U-turn at the intersection of Mission Center Road and Mission Valley Road, providing for safer pedestrian crossings in this area and reducing traffic hazards.

The project proposes an increase to the area of the future extension of Mission Valley Road frontage sign by a small amount – 3.1 square feet. The actual design of the sign minimizes this increase in sign area. The monument design includes a fountain, which adds a visually pleasing element to an already artistic monument sign. Lamps will be installed in the fountains, adding external light to the signs and making them more visible to passersby in the evening. While an increase of approximately three square feet is hardly noticeable, the benefits it can provide are very significant.

- 5. Any proposed deviations pursuant to 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 project requires deviations for the number and size of allowed permanent property identification ground signs. The project site would be limited to one sign for each street frontage (two signs total), with a maximum of 20 square feet for each sign. As described below, these deviations are appropriate and result in a superior project that cannot be achieved through strict conformation with the regulations of the San Diego Municipal Code.

NUMBER OF ALLOTTED SIGNS DEVIATION

The project proposes a total of three signs: two signs at the property's access point off Mission Center Road and one sign at the project's southwest corner, fronting the intersection of Mission Center Road and the future extension of Mission Valley Road. The additional sign is necessary to make southbound vehicles aware of the property's location. Awareness of the access point will reduce the need for U-turns at the next intersection while also increasing convenience of vehicles looking to enter the Aquatera property.

MONUMENT AREA DEVIATION

According to the regulations posted in the San Diego Municipal Code, the allotted area for a property identification ground sign shall not exceed 20 square feet for each side of a double-faced sign. The PDP Amendment proposes that the monument sign fronting on the future extension of Mission Valley Road 23.1 square feet. This deviation is requested to be consistent with the overall project design.

Site Development Permit - Section 126.0504

- 1. The proposed development will not adversely affect the applicable land use plan.**

Aquatera is a 254-unit two- and three-story apartment development on 17.04 acres located at 5777 Mission Center Road, between Mission Valley Road and Sevan Court. Formerly known as the Murray Canyon Apartments, Aquatera is an approved 268 residential unit project under Planned Development Permit (PDP) No. 212959 and Site Development Permit (SDP) No. 9430, which were granted on June 15, 2005. The construction of the project is currently under way.

The project is located in the Mission Valley Community Plan area. The project site is designated as Multi Use on the Mission Valley Community Plan Land Use Map. The project

proposes an amendment to approved PDP 212959/SDP 9430 to deviate from the City's Sign Regulations. The project proposes three monument signs: one on Mission Valley Road (future extension) and two on Mission Center Road. The sign proposed for Mission Valley Road (future extension) would be 23.1 square feet in size, where the City's Sign Regulations allow 20 square feet. A deviation is required to allow for the additional 3.1 square feet of sign area. For the Mission Center Road signage, the City's Sign Regulations would allow one sign. The project is proposing two signs at the entry to the project to create symmetry at the project entry. Each of these signs would be 18.7 square feet in size, less than the maximum of 20 square feet allowed in the City's sign regulations. However, a deviation would be required to allow for the additional sign.

The proposed change to the approved permit would have no effect on the site's land use designation or other land use recommendations contained in the Mission Valley Community Plan. Design guidelines in the Community Plan regarding "street graphics," which include private signing, state that signage should be designed to complement the architectural design of buildings and developments, and that signage for adjacent developments should be compatible and not attempt to "out shout" each other. All of the project's signage will be located on the same development site and will complement each other, as well as the design of the Aquatera Apartments project. The proposed amendment is also consistent with the design of the Aquatera Apartments, and are similar in size and number to other developments in Mission Valley. The proposed PDP Amendment would not adversely affect the Mission Valley Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project will not be detrimental to the public health, safety, and welfare. It does not propose the use or storage of hazardous materials and is designed in a manner that will promote the safety and awareness of drivers in the surrounding areas. The primary purpose of the proposed permit is to facilitate access to the Aquatera Apartments project through convenient placement of project signage. In this manner, the proposed PDP Amendment has the potential to improve public safety, as motorists would be less likely to miss entry into the project, necessitating a U-turn at the Mission Center Road and Mission Valley Road intersection.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project requests the following deviations:

- Number of property identification ground signs allowed
- Size of property identification ground sign

§142.1270(d)(2)(A) of the San Diego Municipal Code states that one sign is permitted for each street frontage. The project proposes that an additional monument sign be constructed at the property's entryway, which fronts along Mission Center Road. Construction of this sign would exceed the regulations as outlined by the General Regulations in the San Diego

Municipal Code, Chapter 14, Article 2, Division 12, but is essential to provide visibility for the project and minimize motorists' difficulty in accessing the project. Southbound vehicles searching for the Aquatera Apartments may not be alerted to the apartment's location until they have already passed it. The main project entry occurs at a curve in Mission Center Road coming south out of the Serra Mesa community, which masks the main entry until the road straightens out at the intersection of Mission Center Road and Mission Valley Road, past the project's main entry. Motorists that seek Aquatera Apartments would then have to make a legal U-turn at Mission Valley Road and back-track north on Mission Center Road to the project entry. Erecting an additional property identification monument sign at the project's main entry drive aids in identifying the property, and will result in less traffic problems caused by visitors or future residents making U-turns at the aforementioned intersection.

§142.1270(d)(2)(D) of the San Diego Municipal Code states that the sign area shall not exceed 20 square feet for each side of a double-faced sign. The project proposes a sign fronting on the future extension of Mission Valley Road at the corner of Mission Center Road that is 23.1 square feet. Increasing the size of the monument signs is proposed in keeping with the bulk and scale of the project at this location. Under the current sign regulations, a permanent monument sign is allowed to be 20 square feet in area. The design of the monument sign at the project's Mission Valley Road frontage includes fountains and lights, resulting in aesthetically pleasing signage that is complementary to the project's overall design. Additionally, the added square footage would make the sign more readily visual and legible to traffic.

The proposed project complies with all other applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 640230 and Site Development Permit No. 657839 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 640230, a copy of which is attached hereto and made a part hereof.

Jeannette Temple
Development Project Manager
Development Services

Adopted on: June 25, 2009
Job Order No. 432235

cc: Legislative Recorder, Development Services Department

DOC # 2005-0501126



JUN 15, 2005 11:02 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 60.00
PAGES: 18



2005-0501126

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

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

7385

*FF
180
2/20*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-1186

PTS 5700

PLANNED DEVELOPMENT PERMIT NO. 212959
SITE DEVELOPMENT PERMIT NO. 9430
MURRAY CANYON APARTMENTS [MMRP]
PLANNING COMMISSION

This Permit is granted by the Planning Commission of the City of San Diego to the H. G. FENTON COMPANY, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 17.04-acre site is located at 5745 Mission Center Road (APN 677-220-14), between Mission Valley Road and Sevan Court, in the Mission Valley Community Planning Area. The project site is legally described as Parcel Map No. 12442, Lots No. 2, 4 and 5 on Partition Map of Pueblo Lot 1182,

Subject to the terms and conditions set forth in this Permit, permission is granted to H. G. FENTON COMPANY, Owner/Permittee to construct eight three-story multi-family structures containing a combined total of 268 apartment units; one two-story resident community building; and associated site improvements on a former 17.04-acre quarry site, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated April 28, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Eight three-story multi-family structures containing a combined total of 268 apartment units and one two-story resident community building;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;

ORIGINAL

- 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 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 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 agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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8. 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," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 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.

10. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved exhibits, dated April 28, 2005).

11. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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 or authorization for the project.

13. As conditions of Planned Development Permit No. 212959 and Site Development Permit No. 9430, the mitigation measures specified in the MMRP, and outlined in the MITIGATED NEGATIVE DECLARATION, LDR NO. 5700 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the MITIGATED NEGATIVE DECLARATION, LDR NO. 5700, satisfactory to the City Manager and City Engineer. All mitigation measures as specifically

outlined in the MMRP shall be implemented for the following issue areas: Utilities (Solid Waste), Traffic Circulation/Parking, Air Quality and Paleontological Resources.

15. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

16. Prior to issuance of any engineering permits for grading, construction documents for slope planting and revegetation, including hydroseeding and irrigation, shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit "A", on file in the Office of Development Services.

Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

Prior to the issuance of any grading permits, the applicant shall enter into a Landscape Maintenance Agreement for the sloped portions of the parcel and associated retaining wall to be revegetated at eighty percent within two years.

Upon implementation of the landscaping agreement and recordation of the permit 5700, the existing Conditional Use Permit and Reclamation Plan for Murray Canyon CUP 820005, State mine ID 91-37-0028, shall be sunset and deemed complete, and the reclamation of the property will be performed in conformance with the approved landscaping plan for this project.

AFFORDABLE HOUSING REQUIREMENTS:

17. Prior to the issuance of any building permits, the developer 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:

18. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

19. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

20. This project proposes to export 28,800 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

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not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

21. Prior to the issuance of any construction permit the Applicant Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.

22. Prior to the issuance of any permits applicant shall provide an Irrevocable Offer to Dedicate (IOD) of minimum 49-feet for the future extension of Mission Valley Road.

23. As a condition of approval of this permit, applicant shall provide a 24 feet wide paved emergency access within the 49 feet Irrevocable Offer to Dedicate satisfactory to the City Engineer.

24. As a condition of approval of this permit, applicant shall provide a 5 feet wide pedestrian walkway within the IOD area at the future Mission Valley Road.

25. Prior to the issuance of any construction permits, the applicant shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.

LANDSCAPE REQUIREMENTS:

26. 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.

27. Prior to the issuance of any engineering permits for grading or improvement, the Permittee shall complete a Maintenance Assessment District (MAD) Agreement form for early confirmation.

28. In the event the Landscape Development Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Development Plan.

29. 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 the Exhibit "A", Landscape Development Plan, on file in the Office of Development Services.

30. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation construction documents for right-of-way and landscape median improvements for Mission Center Road shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot 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.

31. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with the Exhibit "A", Landscape Development Plan, on file in the Office of Development Services.

32. Prior to issuance of any engineering permits for grading, construction documents for slope planting and revegetation, including hydroseeding and irrigation, shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit "A", on file in the Office of Development Services.

33. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

34. Prior to the issuance of any grading permits, the applicant shall enter into a Landscape Maintenance Agreement for the sloped portions of the parcel and associated retaining wall to be revegetated at eighty percent within two years.

35. 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.

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 unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

37. In the event the project proposes conversion to condominiums prior to Occupancy, the Permittee or subsequent Owner shall enter into a Landscape Maintenance Agreement (LMA) for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

38. 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.

39. Prior to the issuance of the first building permit, the Permittee shall provide landscape and irrigation construction documents that show sufficient architectural support for vines at each

carport post to be supported and weep such that the edges of the carport are softened and screened at a minimum of eighty percent to the satisfaction of the Landscape Analysis Section of Development Services.

40. In the event carport structures are removed, the Permittee or subsequent Owner shall provide a minimum of one 24-inch box tree within 30 feet of each parking space. Trees shall be planted in a minimum 40 square foot air and water permeable area.

Prior to issuance of the first building permit, the applicant shall assure by permit and bond for construction of right-of-way landscape and irrigation along the northern half-width of Mission Valley Road, including street trees and median trees as shown on Exhibit "A", consistent with the Landscape Regulations and to the satisfaction of the City Manager. Applicant may enter into a Deferred Improvement Agreement with the City of San Diego for this improvement consistent with related transportation improvements.

Prior to the issuance of the first permit for grading, the applicant shall provide construction documents to show that a minimum 3 foot clear area has been provided between the retaining wall face and the back of curb along the northern retaining wall as shown in Exhibit "A", Landscape Development Plans and details. This clear area shall be sufficient to support screening plant material as shown on the Exhibit "A" plans.

PLANNING/DESIGN REQUIREMENTS:

43. 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.

44. 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.

45. 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 Permittee.

46. 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.

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

48. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," on file in the Development Services Department); or
- b. Citywide sign regulations

49. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required establishing conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

50. 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.

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

52. 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.

53. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, 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, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

54. 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," on file in the Development Services Department.

WASTEWATER REQUIREMENTS:

55. All on-site sewer facilities will be private.

56. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

57. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

58. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each unit 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 unit.

59. 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.

60. Prior to the issuance of any building permits, the developer must provide sewer main connections to the existing 30" trunk sewer via private pump station and force mains station as shown on the plans and the Sewer Study as required to provide service to the proposed development. Improvement drawings and associated permits will be required for the design and construction of the above appurtenances.

61. The developer will be required to install all facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Exhibit "A" will require modification based on the accepted sewer study.

62. If the accepted sewer study indicates off-site improvements are required, then, prior to the issuance of occupancy, the developer must construct such facilities as required to provide service to the proposed development.

63. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities
64. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

65. 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), including domestic, fire and irrigation, within or immediately adjacent to the Mission Center Road right-of-way, in a manner satisfactory to the Water Department Director and the City Engineer. All on-site water facilities shall be private.
66. 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 within the development, in a manner satisfactory to the Water Department Director and the City Engineer.
67. 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. All on-site fire hydrants shall be private.
68. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights of way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A", shall be modified to comply with standards at final engineering.
69. Prior to the issuance of any certificates of occupancy, all public water facilities necessary to serve this development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
70. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on approved Exhibit "A," shall be modified at final engineering in accordance with accepted studies and standards.

TRANSPORTATION REQUIRMENTS:

71. No fewer than 471 off-street automobile parking spaces, 27 motorcycle spaces, and 64 bicycle spaces shall be permanently maintained on the property within the approximate locations shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted

and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager.

72. Prior to the issuance of the first building permit, applicant shall assure by permit and bond construction of the northern half-width of Mission Valley Road, a four-lane urban major roadway, east of Mission Center Road requiring 84 feet of curb to curb distance within a 104 feet of right-of-way (42 centerline to curb line and 52 centerline to property line distances; half-width improvement), including landscaped raised median, curb, gutter, and 5' sidewalk within ten-foot curb to property line distance along the southern project boundary, satisfactory to the City Engineer. This requirement can be implemented through a Deferred Improvement Agreement, with the requirement to be deferred until Mission Valley Road no longer serves as an access to mining trucks. Proposed landscaped raised median should comply with the City's current Land Development Code Landscape requirements.

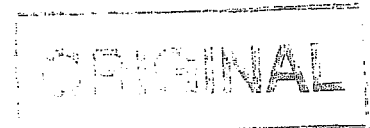
73. Prior to the issuance of the first building permit, applicant shall assure by permit and bond construction of a secondary access point along the northern curb line of Mission Valley Road east of Mission Center Road onto the proposed development southern boundary including a drive aisle width of 24 feet and a maximum driveway curb cut of 25 feet, satisfactory to the City Engineer.

74. In the future when a street, alley, or other vehicular or pedestrian access is constructed along the east property line by the adjacent property owner, the Murray Canyon Apartment project shall provide an east-west connection to that vehicular or pedestrian access, including the extension of the east-west walkways and the construction of a sidewalk or pedestrian path to future Mission Valley Road. Vehicular access through the project at this location may be gated to preclude through-traffic. Public pedestrian access must be maintained.

75. Prior to any building permits, the applicant shall provide the appropriate Irrevocable Offer of Dedication (IOD) required to construct the northern half-width of Mission Valley Road east of Mission Center Road to a four-lane urban major roadway, satisfactory to the City Engineer. The dimensions for the four-lane urban major roadway will require 84 feet of curb to curb distance within a 104 feet of right-of-way (42 centerline to curb line and 52 centerline to property line distances; half-width improvement). Additionally, a 5-foot general utility easement will be required.

76. Prior to the issuance of the first building permit, applicant shall assure by permit and bond construction of landscaped raised median along entire frontage of the subject property on Mission Center Road north of Mission Valley Road, satisfactory to the City Engineer. Landscaped median should comply with the City's current Land Development Code Landscape requirements.

77. Prior to the issuance of the first building permit, the applicant shall provide the appropriate dedication required to construct an additional northbound lane along property frontage between Mission Valley Road and proposed access point, satisfactory to the City Engineer.



78. Prior to the issuance of the first building permit, applicant shall assure by permit and bond widening of Mission Center Road along property frontage between proposed access point and Mission Valley Road to construct one additional travel lane satisfactory to the City Engineer.

79.. Prior to the issuance of the first building permit, applicant shall provide a 5-foot general utility easement along property frontage on Mission Center Road north of Mission Valley Road, satisfactory to the City Engineer.

80. Prior to the issuance of any building permit, the applicant shall be required to assure by permit and bond the construction of a signalized intersection at Murray Ridge Road and I-805 south, including the addition of a turn lane onto the off ramp (subject to Caltrans approval).

81. Prior to the issuance of any building permit, the applicant shall be required to deposit \$140,000 into a trust account restricted for the purpose of constructing a signalized intersection at Murray Ridge Road and Mission Center Road or any other traffic improvements, if needed, in the vicinity.

82. Prior to the issuance of any building permit, the applicant shall be required to assure by permit and bond the restriping of the 64-foot curb to curb in the 84-foot right of way portion of Murray Ridge Road between Mission Center Road and I-805/Murray Ridge Road northbound ramps. The restriping shall include parking lanes in each direction, bike lanes in each direction, driving lanes in each direction and a center lane, as shown on Exhibit "A".

83. Prior to the issuance of any building permit, the applicant shall be required to assure by permit and bond the construction of a signal at the project access point on Mission Center Road with the right to remove it at a later time if there is any development of the Quarry Falls site.

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.

APPROVED by the Planning Commission of the City of San Diego on April 28, 2005,
Resolution Number 3728-PC.

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document PDP 212959/SDP 9430

Date of Approval April 28, 2005

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Patricia Grabski
Patricia Grabski, AICP, Development Project Manager

On June 14, 2005 before me, Raquel Herrera (Notary Public), personally appeared Patricia Grabski, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Signature Raquel Herrera
Raquel Herrera



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.

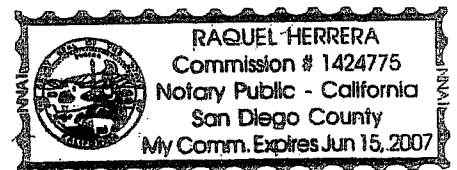
Signed H.G. FENTON COMPANY
Linda B. Kaufman Signed _____
Typed Name LINDA B. KAUFMAN Typed Name _____

STATE OF California
COUNTY OF San Diego

On June 14, 2005 before me, Raquel Herrera (Name of Notary Public) personally appeared Linda B. Kaufman, 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 Raquel Herrera



ORIGINAL

PLANNING COMMISSION
RESOLUTION NO. 3728 PC
PLANNED DEVELOPMENT PERMIT NO. 212959
SITE DEVELOPMENT PERMIT NO. 9430
MURRAY CANYON APARTMENTS [MMRP]

WHEREAS, the H. G. FENTON COMPANY, Owner/Permittee, filed an application with the City of San Diego for a permit to construct eight three-story multi-family structures containing a combined total of 268 apartment units; one two-story resident community building; and associated site improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permits Nos. 212959 and 9430), on portions of a former 17.04-acre quarry site;

WHEREAS, the project site is located at 5745 Mission Center Road (APN 677-220-14), between Mission Valley Road and Sevan Court, in the Mission Valley Community Planning Area in the MV-M zone of the Mission Valley Planned District;

WHEREAS, the project site is legally described as Parcel Map No. 12442, Lots No. 2, 4 and 5 on Partition Map of Pueblo Lot 1182,

WHEREAS, on April 28, 2005, the Planning Commission of the City of San Diego considered Planned Development Permit No. 212959 and Site Development Permit No. 9430 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated April 28, 2005.

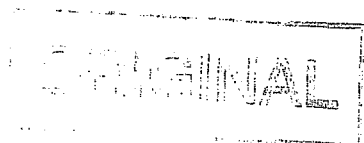
FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

The proposed project is located in the Mission Valley Community Plan area, within a larger area identified as "Multiple Use". The Multiple Use designated area is situated north of Friars Road, west of Mission Center Road and west of I-805. The Multiple Use designation applies to ". . . a relatively large-scale real estate project characterized by: Two or more significant revenue-producing uses (such as retail, office, residential (either as rentals or condominiums), hotel/motel, and/or recreation – which, in well-planned projects, are financially supportive of other uses; Significant functional and physical integration of the project component including uninterrupted pedestrian connections, if available, to adjacent developments; Development in conformance with a coherent plan (which frequently stipulates the type and scale of uses, permitted densities, and related items); and Public Transit opportunities and commitments."



The project site is further addressed through a note in the legend of the Specific Plan/Multiple Use Areas map (Figure 10 of the Community Plan), which identifies the project site and adjacent area to the east, as “. . . most likely to develop under the multiple use option. Large and multiple-parcel projects should use the Specific Plan/PCD [PDP] mechanism, and smaller projects should use the PCD [PDP] permit for implementation.”

The proposed Murray Canyon Apartments project represents the first development within the area identified for the Multiple Use. It is being developed as a Planned Development Permit, in accordance with the Community Plan. While the project itself does not propose a mix of uses, the larger Multiple Use area will develop with other uses, including retail commercial, residential and business/office park uses as part of the proposed Quarry Falls Specific Plan.

Additionally, the Mission Valley Heights Specific Plan area is located across from and to the west of the proposed Murray Canyons Apartments project. Mission Valley Heights is a nearly built-out Specific Plan Area comprised of a retail center (Mission Center Retail Center) and industrial and office park developments. The Mission Center Retail Center includes a major food market, fast food restaurants, a food court, bank, dry cleaners, a post and mail establishment, and other retail services. The addition of residential uses in proximity of these existing and planned land uses will be support the Multiple Use designation of the Community Plan. Existing retail uses will also provide necessary services for future residents of the Murray Canyon Apartments.

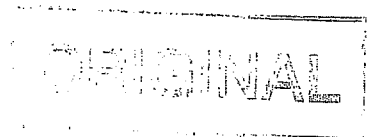
The proposed Murray Canyon Apartments project includes pedestrian connections and linkages to Mission Center Road, the future extension of Mission Valley Road and an additional connection to the adjacent Quarry Falls project when that project is developed. Future residents of the Murray Canyon Apartments can easily access bus stops located on the adjacent Mission Center Road and on Friars Road, one block south of the project site.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The proposed Murray Canyon Apartments will not be detrimental to the public health, safety, and welfare. It does not propose the use or storage of hazardous materials and is designed in a manner that will promote a high quality living environment. Its location proximate to existing and planned retail uses that are within walking distance will promote an active lifestyle that does not need to rely on the automobile for these services. The site is surrounded by an area where mining activities have ceased. This area provides distance and a buffer to other mining operations located south and east of the project. Additionally, the environmental document prepared for the project did not identify any significant environmental issues associated with the project.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project site is governed by the Mission Valley Planned District Ordinance (MVPDO) and is zoned MV-M. The MV-M zone requires that, within the MV-M zone on sites of four or more



acres, development occur as “. . . land uses from at least three of the following zones in combinations as follows: One or two of the following three commercial zones: MV-CV, MV-CO, MV-CR; and One or two of the following five residential uses: MVR-1, MVR-2, MVR-3, MVR-4, MVR-5.” [MVPDO Section 103.2111(c)(1)]

The proposed project would not be consistent with this criterion, because it proposes only residential use of the site. However, the MVPDO allows that, on an individual project basis, the criteria of the planned district may be increased or decreased if approved by the City Manager when a superior design can be achieved by altering the adopted standards [MVPDO Section 103.2104(d)(4)].

For the proposed Murray Canyon Apartments project, a superior design is achieved by altering the adopted standards and allowing only residential uses on the site. The proposed project, when considered as a whole, will be superior in design and will contribute in a beneficial manner to the Mission Valley community and the City. The project has been designed to provide easy pedestrian access to transit and nearby services. Sidewalks fronting on Mission Center Road are separated from the roadway by a landscaped median. The project promotes linkages to adjacent areas through pedestrian connections. Bus stops are located on Mission Center Road and Friars Road within walking distance for the residences. The project will provide rental housing within a community that has been identified in the City's Strategic Framework Plan as an area for increased residential density. While the proposed project would contribute less traffic than anticipated by the MVPDO, it will implement traffic mitigation that will provide for much needed traffic improvements in both the Mission Valley and Serra Mesa communities. The high quality architectural style, ample landscaping and streetscape, pedestrian connectivity to and integration with existing and planned neighboring services, generation of less traffic than anticipated in the MVPDO, and construction of much needed traffic improvements all contribute to a superior project and support altering of the MVPDO criterion.

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

- 1. The proposed development will not adversely affect the applicable land use plan;**

See A.1 above.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare;**

See A.2 above.

- 3. The proposed development will comply with the regulations of the Land Development Code;**

See A.3 above and A.5 below.

4. The proposed development, when considered as a whole, will be beneficial to the community; and

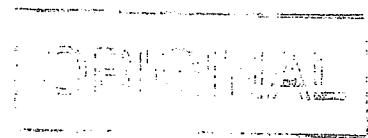
The proposed project, when considered as a whole, will contribute in a beneficial manner to the Mission Valley community and the City. The project has been designed to provide easy pedestrian access to transit and nearby services. Sidewalks fronting on Mission Center Road are separated from the roadway by a landscaped median. The project promotes linkages to adjacent areas through pedestrian connections. Bus stops are located on Mission Center Road and Friars Road within an easy walking distance. The project will provide rental housing within a community that has been identified in the City's Strategic Framework Plan as an area for increased residential density. The project results in less traffic than allowed under the Mission Valley Planned District Ordinance (MVPDO), thereby contributing less traffic than assumed for the site. Traffic mitigation associated with the project will benefit travel within and through the Mission Valley and Serra Mesa communities. The design of the project is aesthetically pleasing, adding to the high quality architectural style established by recent developments in the Mission Valley community.

5. Any proposed deviations pursuant to 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 proposed project would require a deviation from Section 142.0340(e), which limits the height of retaining walls located outside required yards to a maximum of 12 feet. The project proposes a retaining wall at the base of a slope in the northern portion of the site. The wall would range from zero feet at its west end to a maximum of 15 feet in the central portion (for a distance of five feet eight inches) to one foot at the east end. The wall would be shielded by apartment buildings at a height of 35 feet and would not be visible to surrounding public streets. Landscaping would occur at the base of the wall to further screen it from view.

The proposed project would also require a deviation from Section 103.2108(e), which addresses minimum setback requirements. For buildings along Mission Center Road, the project would require a deviation to the required setback to allow balconies and patios to encroach two feet into the setback. Additionally, the project would require a deviation in the required setback along Mission Valley Road to allow buildings to encroach four feet and to allow patios and balconies to encroach nine feet.

Due to the hillside covering a large portion of the property, development is situated in the central and southern portions of the site so as to not impact the existing slope. Additionally, the project is required to dedicate a portion of the site along the southern boundary for future street improvements associated with Mission Valley Road. These constraints result in a reduced street yard area. Therefore, the proposed project would require a deviation from Section 103.2108(e)(1) for the street yard requirement along future Mission Valley Road. The required street yard is 16,500 square feet. The project proposes 10,000 square feet, a reduction in the required street yard of 6,500 square feet. The reduction in the required street yard will allow for buildings to front on the street creating an urban street scene.



These deviations are acceptable because of the superior design of the project and the limitations of the project site. The intent of the site design is to create an activated street scene along existing Mission Center Road and future Mission Valley Road. By bringing buildings up closer to the road, with parking and amenities interior to the site, the project enlivens the street scene. Additionally, a pre-existing manufactured mined slope occurs in the north and east portions of the site. This physical feature constrains the area available for development. The minimal encroachments into the setback and use of retaining walls in the rear of the site create more flexibility in the site design.

For these reasons, the proposed deviations are acceptable. The proposed project complies with all other applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission for Planned Development Permit No. 212959 and Site Development Permit No. 9430 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 212959 and Site Development Permit No. 9430, a copy of which is attached hereto and made a part hereof.

Patricia Grabski

Patricia Grabski, AICP
Development Project Manager
Development Services

Adopted on April 28, 2005
By a vote of 4:1:0

Job Order No.42-1186
cc: Legislative Recorder, Planning Department



Temple, Jeannette

From: Brittany Ruggels [bruggels@gmail.com] on behalf of Brittany Erin Ruggels [brittanьерin.ruggels@klrplanning.com]
Sent: Friday, June 05, 2009 8:32 AM
To: Temple, Jeannette
Cc: Linda Kaufman; karen ruggels
Subject: Aquatera MVPG Approval

Good morning, Jeannette,

Please see below for the motion and approval of the Aquatera project at the MVPG:

Emmett Durnan made a motion to support the Design Advisory Board's recommendation of approval of the Aquatera sign deviations with the conditions that the graphical content be consistent throughout and that revisions based on substantial conformance shall be referred to the Design Advisory Board and Mission Valley Planning Group. Gail Thompson seconded. The motion passed 19-0-2 (2 recusals).

Let me know if you need any additional information

Brittany Erin Ruggels
KLR Planning
P.O. Box 882676
San Diego, California
92168-2676

619.204.9757
brittany@klrplanning.com

HG Fenton Company Ownership Disclosure:

Shareholders: Henry Hunte and Letitia Swortwood.

Corporate Officers:

Michael Neal, President

Allen Jones, VP

Robert Gottlieb, CFO

Kari Prevost, Secretary

H.G. Fenton Company

7577 Mission Valley Road #200

San Diego, CA 92108

(619) 400-0134

(619) 400-0111 (fax)

AQUATER APARTMENTS

PROJECT CHRONOLOGY

PTS # 177983 JO# 432235

Date Response	Action	Description	City Review Time	Applicant
4/17/09	Customer Submits First Cycle			
5/12/09	Initial Assessment Letter Sent		25days	
5/15/09	Customer submits 2 nd Cycle			3 days
5/26/09	Ready for Hearing		11 days	
6/25/09	Planning Commission Hearing		30 days	

<i>Total Staff Time (Average at 30 days per month):</i>	<i>2 months, 5 days</i>
<i>Total Applicant Time (Average at 30 days per month):</i>	<i>3 days</i>
<i>Total Project Running Time (Years/Months/Days):</i>	<i>2 months, 8 days</i>