



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 17, 2010 **REPORT NO. PC-10-051**

**ATTENTION:** Planning Commission, Agenda of June 24, 2010

**SUBJECT:** 5<sup>TH</sup> & THORN - PROJECT NO. 105703. PROCESS FOUR

**REFERENCE:** Historical Resources Board Report No. HRB-10-20, dated May 21, 2010  
<http://www.sandiego.gov/planning/programs/historical/pdf/reports/hrb10020mtng100527.pdf>

**OWNER/  
APPLICANT:** FOURTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY and FIFTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY and THE BARRETT FAMILY TRUST OF 1986

### SUMMARY

**Issues:** Should the Planning Commission approve a request to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the south side of Thorn Street between 4<sup>th</sup> and 5<sup>th</sup> Avenues in the Uptown Community Plan area?

#### Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 105703, and **Adopt** the Mitigation, Monitoring and Reporting Program; and
2. **Approve** Site Development Permit No. 352760 and Tentative Map No. 352761.

**Community Planning Group Recommendation:** The Uptown Planners voted 9-5-1 to recommend approval of the proposed project on April 1, 2008, with one recommendation as discussed within this report.

**Historical Resources Board Recommendation:** The Historical Resources Board recommended approval of the proposed project by a vote of 9-0-1 on May 27, 2010.

**Environmental Review:** Mitigated Negative Declaration No. 105703 has been prepared for this project in accordance with State of California Environmental Quality Act



(CEQA) guidelines that determined the project could have potential adverse impacts to historical resources (buildings), historical resources (archaeology), and paleontological resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce the potential adverse impacts to these resources to below a level of significance.

**Fiscal Impact Statement:** All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** The Uptown Community Plan designates the proposed 0.92-acre project site for Office/Commercial (and allows residential) at 44 to 73 dwelling units per acre (0.46 acres) and Commercial/Residential at 73 to 110 dwelling units per acre (0.46 acres). Based on the project acreage and residential density recommended for the project site, approximately 54 to 84 dwelling units would be allowed on site by the community plan. The project proposes a total of 100 dwelling units. In order to achieve the number of dwelling units proposed, the project would utilize a 20% density bonus based on the maximum number of dwelling units allowed by the underlying zoning and by setting aside five dwelling units with rents affordable to very-low income households (rents at 30% of 50% AMI) for a period of 55 years. The project also proposes to pay 50% of the Inclusionary Housing in-lieu fee. The Housing Commission supports this request and has provided a draft condition to document this agreement.

## **BACKGROUND**

The project site is improved with seven existing buildings. Two of these buildings (3235 and 3255 4<sup>th</sup> Avenue) are designated historic structures (Historic Site No. 828). All buildings on this site are currently used for commercial purposes. All structures and uses have been developed in conformance with the regulations in effect at the time. No other discretionary permits are existing on the property at this time.

The project site is located on the south side of Thorn Street, between 4<sup>th</sup> and 5<sup>th</sup> Avenues (including addresses: 403 Thorn Street, 3251 4<sup>th</sup> Avenue, 3225 4<sup>th</sup> Avenue, 3230 5<sup>th</sup> Avenue and 3252 5<sup>th</sup> Avenue; as well as historic structure addresses of 3235 and 3255 4<sup>th</sup> Avenue) in the NP-1 and CV-1 Zones of the Mid-City Communities Planned District, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, within the Uptown Community Plan (Attachment 3).

The 0.92-acre site is bounded by commercial uses on the north and south, multi-family residential to the east, and a combination of commercial and multi-family residential to the west. The project area is roughly the northern 2/3 of the block, and the NP-1 and CV-1 Zones split the site down the middle, with the NP-1 side fronting on 4<sup>th</sup> Avenue, and the CV-1 side fronting on 5<sup>th</sup> Avenue. Balboa Park is a few blocks to the east.

Two historically-designated structures (Historic Site No. 828) are located on the project site. These two structures, the "*Dr. Chester Tanner Office Bungalow Court*" were designated under Historical Resources Board Criterion C on August 23, 2007. They are more fully described as 3235 and 3255 Fourth Avenue, Assessor's Parcel Nos. 425-555-26 and 425-555-28.

## **DISCUSSION**

The proposed project includes a request for a Site Development Permit and Tentative Map to allow the demolition of existing commercial/office structures, the temporary relocation of the two designated historic structures, and the construction of a new mixed-use development. The proposal includes a density bonus for the provision of affordable housing, the temporary relocation of the existing historic structures, and the construction of a subterranean parking structure that would provide all required parking. Two existing buildings on this site (3225 4<sup>th</sup> Avenue and 3230 5<sup>th</sup> Avenue), which are located at the southern end of the project area, will remain onsite during construction and will be incorporated into the 5<sup>th</sup> & Thorn project area with this permit; the subterranean parking will not extend under these structures.

The project includes the temporary removal of the two designated historic buildings. The buildings will be removed from the site so the subterranean parking structure can be built, brought back to the site after completion of the parking structure, and then incorporated into the completed 5<sup>th</sup> & Thorn project as residential units, as more fully described in this report.

When the project is completed, the northern 2/3 of the project site (new Parcel 1 on the Tentative Map) will contain 100 condominium units (97 residential and 3 commercial/residential) above subterranean parking; while the rear 1/3 of the site will maintain the two existing commercial buildings (new Parcels 2 and 3). The 100 new residential units will be located in a 14-story building at the northeast corner of the project site, a four-story townhome building at the northwest corner of the project site; and two one-story bungalows (the two designated historic structures) along 4<sup>th</sup> Avenue, between the four-story townhome and one of the existing commercial buildings. All proposed uses will conform with the uses permitted in the underlying zones.

### **Discretionary Actions Summarized:**

Site Development Permit: A Site Development Permit per the San Diego Municipal Code (SDMC) is required for the proposed project for a variety of reasons: a Process Three Site Development Permit for the Mid-City Communities Planned District is required for deviations exceeding 20% of the development regulations [SDMC Section 1512.0203(b)(2)] and for exceeding the unit threshold in the CV-1 Zone [SDMC Section 1512.0203(b)(4)]; and a Process Four Site Development Permit is required for the deviation to relocate the designated historical resources on this site [SDMC Section 126.0502(d)(1)]. All actions will be consolidated under this application and processed concurrently, pursuant to the Consolidation of Processing regulations contained in Municipal Code Section 112.0103. Accordingly, the decision to approve, conditionally approve, or deny this project will be made by the Planning Commission (Process Four).

The requested deviations from the development regulations include:

- a. Street wall - SDMC 1512.0310(b)(7)(B) requires structures to have a setback of 15 feet from the base of the street wall. Deviations as specified on Exhibit "A" allow a range of 0- to 11-foot setbacks from the street wall along Thorn and 5<sup>th</sup>. This applies only in the CV-1 zoned portion of the site. Staff supports this deviation since the Fire Department believes conformance with the setback would hinder ladder access to the upper floors, and due to support from the community planning group.
- b. Street yard - SDMC 1512.0311(b)(2)(A) requires a street yard of a minimum 3,000 square feet in area (20 feet x 150' lot frontage) where no structures may be located. A deviation to allow 2,810 square feet is specified on Exhibit "A." This applies only in the NP-1 portion of the site. Staff supports this deviation since the replacement of the two historically-designated structures in their original locations necessitates this deviation.
- c. Offsetting planes - SDMC 1512.0312(a)(3) requires minimum and maximum proportions for each required offsetting plane. The project has the number of required planes, but does not meet the proportion requirement. Staff supports this deviation since the building provides the required number of offsetting planes for each face, but does not comply with the percentage requirements for each 50-foot segment. However, the structure adheres to the intent of the ordinance utilizing means other than additional offsetting planes, such as elements of classic architecture and detailing, as supported by the community planning group.
- d. Transparency - SDMC 1512.0312(b)(2) allows no more than a combined total of 50 percent of the facades to be vision glass or reflective spandrel construction. A deviation to provide in excess of 50 percent is specified on Exhibit "A." The exterior glazing specified for the project will possess a reflectivity factor of less than 30%. The project was designed under the guidelines specified in SDMC Section 142.0730 (SDMC *General Development Regulations; Offsite Development Impact Regulations*) which states that a maximum of 50% of any façade of a building may be clad in a material having a reflectivity of no more than 30%. A deviation is requested due to the more restrictive nature of the Mid-City PDO in this respect, since the project will exceed the intent of the code regarding light reflectivity.

Tentative Map: The project also includes a request for a Tentative Map for the subdivision of the site into three lots for residential/commercial development (100 condominium units comprised of 97 residential and 3 commercial/residential units). The site is currently comprised of 8 lots. The Tentative Map request will allow the creation of three new parcels; Parcel 1 will contain the newly-created residential and commercial/residential units and two designated historic structures, while Parcels 2 and 3 will each contain the existing commercial buildings that will remain onsite during construction and become part of the 5<sup>th</sup> & Thorn project area.

## **Community Plan Analysis:**

The Uptown Community Plan designates the proposed 0.92-acre project site for Office/Commercial at 44 to 73 dwelling units per acre (0.46 acres) and Commercial/Residential at 73 to 110 dwelling units per acre (0.46 acres). According to the Residential and Commercial Elements of the community plan, either office, commercial, or residential uses could be allowed on site. The project, consisting of multi-family residential units and “shopkeeper” type commercial uses would be consistent with the existing land use designations. Based on the project acreage and recommended residential density for the project site, 54 to 84 dwelling units would be allowed on site. However, the project would seek a 20% affordable housing density bonus for the provision of 5 dwelling units affordable to very low income households. The provision of affordable units would implement goals and objectives in the Housing Element of the General Plan for the creation and promotion of affordable housing.

According to the Transportation Element of the community plan, Class III bikeways exist along 4<sup>th</sup> and 5<sup>th</sup> Avenues where the proposed project is located. In order to meet the recommendation in the community plan for promoting bicycling as an alternative form of transportation, the proposed project would include a total of 44 bicycle spaces within two storage facilities on the first and second parking levels of the project for residents and patrons. The proposed project would also meet the objective in the Transportation Element of the community plan for development off-street parking facilities by providing four levels of underground parking which would be accessed from an existing drive way located on Thorn Street.

According to the Urban Design Element of the community plan, new construction and improvements to existing structures should be compatible with the existing architectural detail and overall appearance of the quality development in the neighborhood. The proposed project uses architectural details similar to those found in existing buildings within the neighborhood. The townhome component of the project located at the corner of Fifth Avenue and Thorn Street would incorporate brick and white masonry trim similar to the existing Park Manor building located across 5<sup>th</sup> Avenue to the southeast. Additionally, the project’s proposed tower element utilizes horizontal offsets and surface elevations similar to the existing residential high-rise and commercial developments within the vicinity of the project, which have been contributing to the growing and changing character along 5<sup>th</sup> Avenue within Bankers Hill/Park West neighborhood of the Uptown community.

The Urban Design Element guidelines recommend that patios, balconies, courtyards, pools or other recreational amenities should be required for all residential projects to maximize usable open space. The proposed project would meet this design guideline by including balconies on multiple floors of the proposed development and a roof top pool deck with raised tree planters, enhanced paving, cabana, and outdoor fireplace. Additionally, the community plan states as a design guideline that large flat rooftops should be considered as usable outdoor space which can be designed to accommodate recreational activities. The project would meet this guideline by proposing private rooftop terraces on the 5<sup>th</sup> and 6<sup>th</sup> floors of development located on the corner of Thorn Avenue and 4<sup>th</sup> Street. These private roof terraces would feature tables, seating, raised tree planters, and overhead trellis structures.

Design guidelines in the Urban Design Element of the community plan also recommend articulating the design of buildings so that they relate to the form and scale of surrounding structures through the use of compatible setbacks, building coverage and floor area ratios. The proposed project would utilize varying colors, building materials, offsetting planes, and building height variations to minimize the project's visual impact upon the neighborhood. The project's proposed use of existing lower story structures; building materials such as the use of brick, glass, stucco, Spanish roof tile; and varying heights would serve to "break up" the project's overall bulk and scale. Additionally, the proposed residential tower's incorporation of offsetting planes, colors, balconies, and roof top design add surface articulation and interest to the tower's elevations. Further, the project would locate the tower, the tallest component of the overall project, along 5<sup>th</sup> Avenue where it would be compatible with the existing multi-story buildings on the eastside of 5<sup>th</sup> Avenue. Similarly, the lower story portions of the overall project would step down in height to the west and south where adjacent lower story structures currently exist.

The proposed project would meet design guidelines in the community plan for providing street trees, preserving existing street trees with new development where appropriate, and replacing trees if they must be removed by preserving five existing Queen Palms along 4<sup>th</sup> Avenue and replacing an existing Queen Palm due to its condition. The street frontage of the proposed project would receive two new Queen Palms and four Jacaranda along 4<sup>th</sup> Avenue, four Queen Palms and four Jacaranda along Thorn Street, and three Queen Palms and three Jacaranda along 5<sup>th</sup> Avenue. All trees in the streetscape would include tree grates and the planting of Queen Palms and Jacaranda would alternate along Thorn Street and 5<sup>th</sup> Avenue.

A design guideline of the Urban Design Element calls for restoring and adaptively reusing existing structures either by themselves or as elements of larger development projects. Additionally, the Conservation, Cultural and Heritage Resources Element of the community plan states the objective of preserving historic structures at their original location as well as in their historic context whenever possible. The proposed project would implement these policies by preserving two historically designated bungalows located on site. Previously, these structures were used for commercial purposes and would be converted to residential uses as part of the proposed project.

The project proposes deviations to the development regulations pertaining to traffic visibility areas, street wall heights, street yard requirements, offsetting planes proportions, and transparency requirements. Although the community plan does not provide specific development/design regulations, the proposed project would incorporate several features that would address building bulk, scale, and design to a level that would not conflict with community plan goals, objectives, and recommendations. As proposed the project would not adversely impact policies in the Residential, Commercial, Transportation, Urban Design, and Conservation, Cultural, and Heritage Resources Elements of the Uptown Community Plan.

### **Affordable Housing:**

This project is subject to the Inclusionary Housing requirements of San Diego Municipal Code Chapter 14, Article 2, Division 13. In addition, the applicant has requested a density bonus pursuant to California Government Code Sections 65915-65918 and San Diego Municipal Code

## Chapter 14, Article 3, Division 7.

The underlying zoning of the property allows for the development of 83 units. The applicant is requesting a 20 percent density increase of 17 additional units for a total of 100 units. In exchange for increased density, the applicant will provide five percent of the pre-bonus units (5 units) with rents affordable to very low-income households (rents at 30% of 50% AMI) for a period of 55 years. In addition, the applicant shall pay 50% of the Inclusionary In-Lieu Fee.

Both the Inclusionary Housing Program and the Density Bonus Program require that the affordable units be comparable to the market rate units. Condition No. 14 in the draft Site Development Permit and Condition No. 8 in the draft Tentative Map Conditions address the Housing Commission requirements.

### **Environmental Analysis:**

An Environmental Initial Study (EIS) was conducted for the proposed project in accordance with the California Environmental Quality Act (CEQA) that determined the project could have potential adverse impacts to historical resources (buildings), historical resources (archaeology), and paleontological resources. A Mitigation, Monitoring and Reporting Program (MMRP) has been created for the project with measures that would reduce the potential adverse impacts to below a level of significance. The site contains two designated historic structures (HRB Site No. 828; 3235 and 3255 Fourth Avenue). As documented within the MMRP, these structures are proposed to be removed from the site while subterranean parking is created, then relocated back to the site and incorporated into the full project design. Additional mitigation requirements are incorporated into the project to reduce potential adverse impacts to archaeological and paleontological resources.

### **Historical Resources Board:**

The treatment plan for the removal and relocation of the two designated historic structures was presented to the Historical Resources Board (HRB) on May 27, 2010. The HRB voted 9-0-1 to recommend of the proposed treatment plan, which has been made a condition of project approval through incorporation of the project's Mitigation, Monitoring and Reporting Program. The HRB recommendation only included three minor modifications to the MND to clarify points in the treatment plan, which have been incorporated as discussed in Errata Sheet (Attachment 14).

### **Community Planning Group:**

The Uptown Planners voted 9-5-1 to recommend approval of the proposed project on April 1, 2008. Within this recommendation, the Uptown Planners included a condition that "*the landscaping depicted in the project plans be the actual landscaping that would be used in the project.*" Staff has reviewed the project proposal against the Uptown Community Plan and applicable landscape regulations of the San Diego Municipal Code, and incorporated conditions of approval to ensure these code requirements are met by the proposed development. In

addition, the applicant has stated that the landscaping on the plans that they processed through the City is identical to the presentation materials that were presented to the Uptown Planners. Further, they have stated that they have maintained that landscape look throughout the review process, and plan to maintain this same landscaping scheme throughout the remaining design process and in the construction documents.

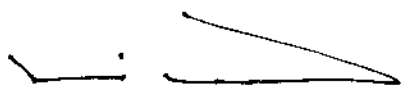
**Conclusion:**

Staff has determined the proposed 5<sup>th</sup> & Thorn project complies with the applicable sections of the Municipal Code and adopted City Council policies. Staff has determined the required findings would support the decision to approve the proposed project's Site Development Permit and Tentative Map. A Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program have been prepared for this project and the mitigation required would reduce any potentially significant impact to a level below significance. Accordingly, staff recommends approval of the proposed project.

**ALTERNATIVES**

1. Approve Site Development Permit No. 352760 and Tentative Map No. 352761, with modifications.
2. Deny Site Development Permit No. 352760 and Tentative Map No. 352761, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Michelle Sokolowski, Project Manager  
Development Services Department

WESTLAKE/MAS

Attachments:

1. Aerial Photograph
2. Uptown Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Map Resolution with Findings



8. Draft Map Conditions
9. Draft Environmental Resolution with MMRP
10. Project Site Plans (Select pages; additional pages available upon request)
11. Tentative Map Exhibit
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Errata Sheet for MND and MMRP

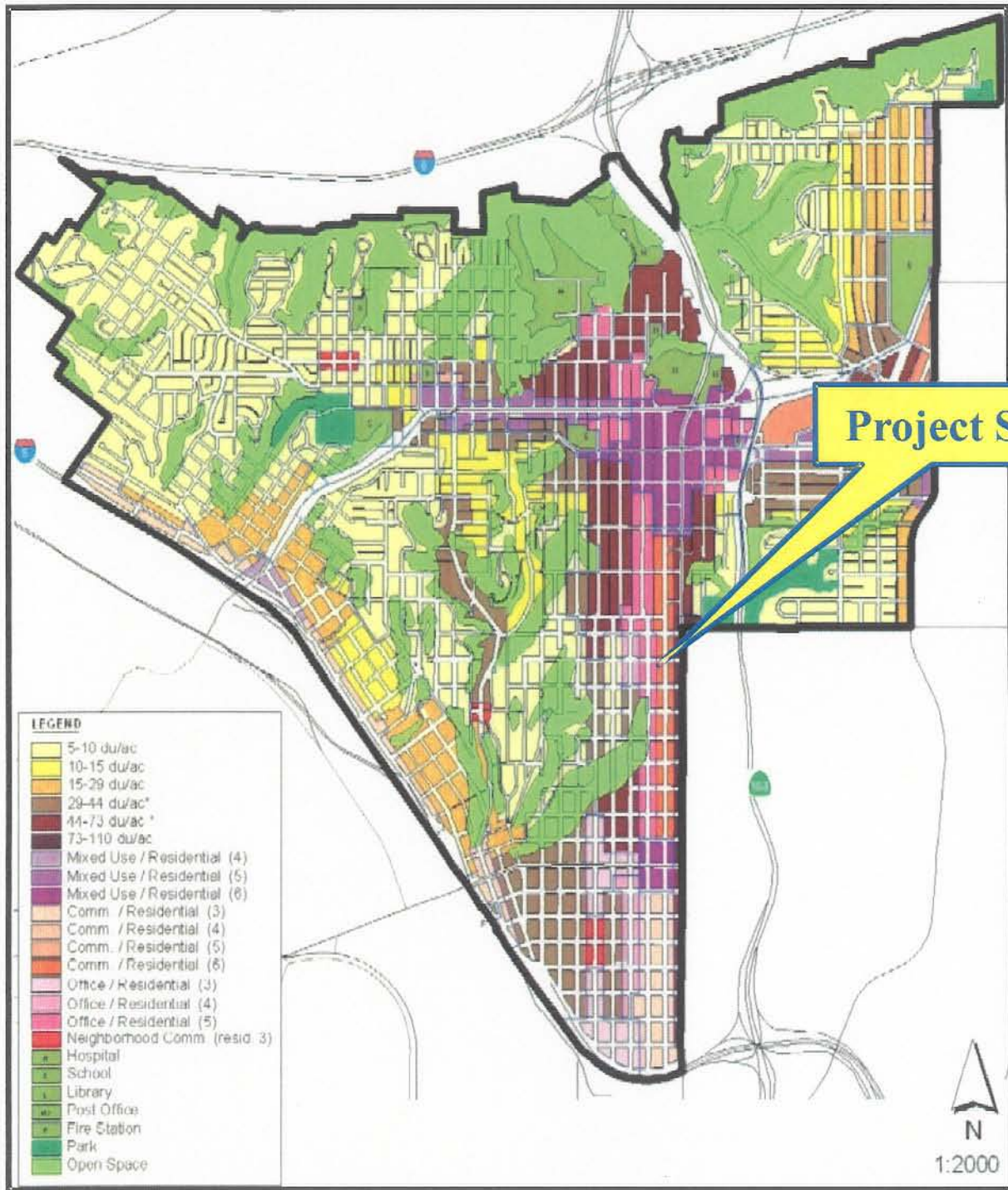


## Aerial Photo

5<sup>TH</sup> & THORN - THORN ST., BETWEEN 4<sup>TH</sup> & 5<sup>TH</sup> AVENUES  
PROJECT NO. 105703



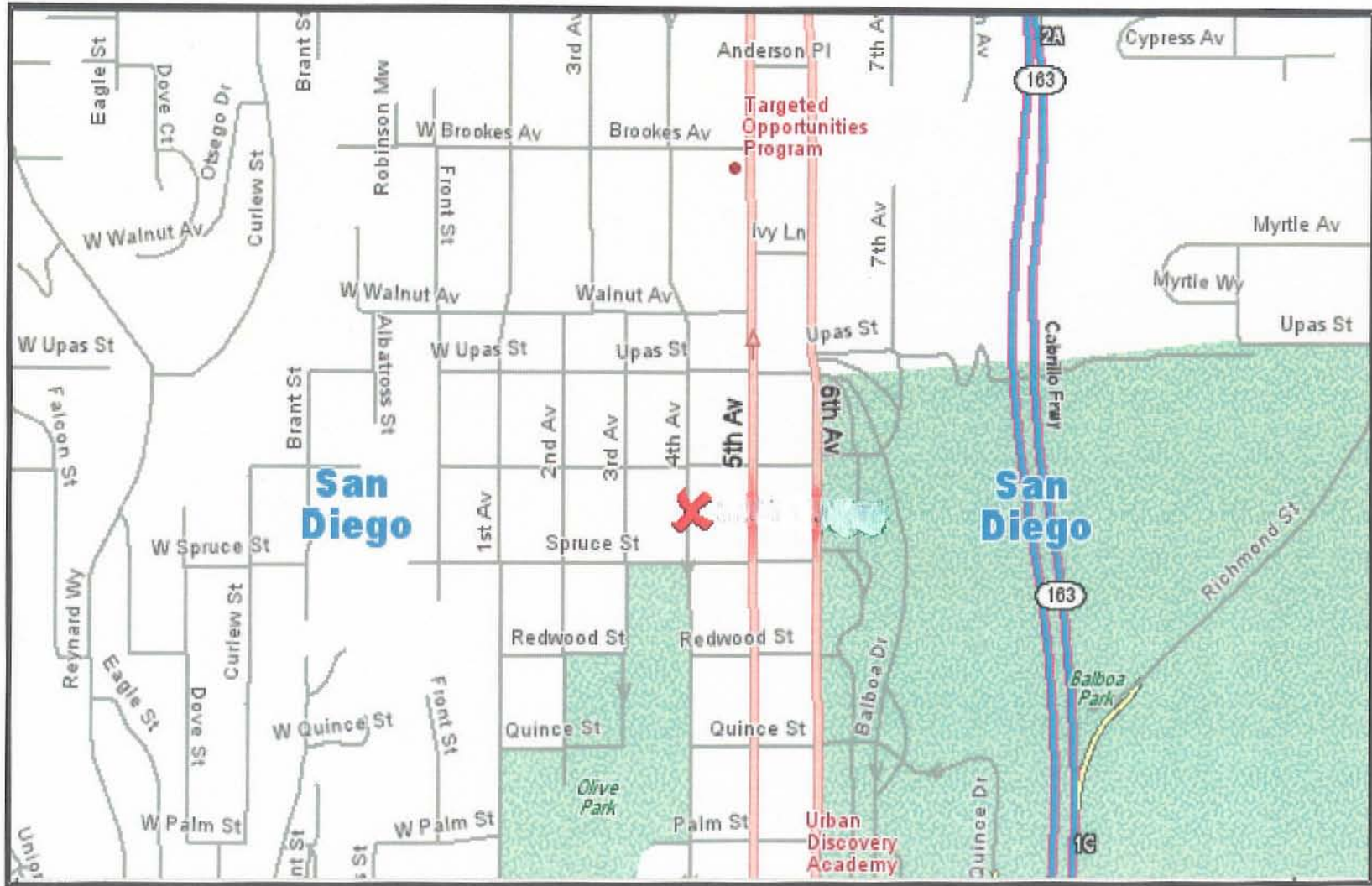




# Land Use Map

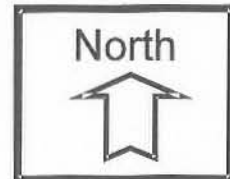
**5<sup>TH</sup> & THORN – THORN ST., BETWEEN 4<sup>TH</sup> & 5<sup>TH</sup> AVENUES**  
**PROJECT NO. 105703 - Uptown**





## Project Location Map

5<sup>TH</sup> & THORN – THORN ST., BETWEEN 4<sup>TH</sup> & 5<sup>TH</sup> AVENUES  
 PROJECT NO. 105703



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	5 <sup>th</sup> & Thorn – Project No. 105703	
<b>PROJECT DESCRIPTION:</b>	Demolition of two existing office buildings and the construction of 100 dwelling units, subterranean parking and accessory uses.	
<b>COMMUNITY PLAN AREA:</b>	Uptown	
<b>DISCRETIONARY ACTIONS:</b>	Site Development Permit and Tentative Map	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Office/Residential 5 (Western Half – 44-73 du/ac) – Commercial/Residential 6 (Eastern Half – 73-110 du/ac)	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> MCCPD-NP-1 (West Half)	MCCPD-CV-1 (East Half)	
<b>HEIGHT LIMIT:</b> 60'	150'	
<b>LOT SIZE:</b> 5,000 sf	5,000 sf	
<b>FLOOR AREA RATIO:</b> 1.5 (with 1.0 bonus)	no max res. FAR; 1.5 max com'l FAR	
<b>FRONT SETBACK:</b> 10'	15' above 36' on east side	
<b>SIDE SETBACK:</b> 6' (15' above 5 <sup>th</sup> story)	15' for building above 36' for south side	
<b>STREETSIDE SETBACK:</b> 6'	none required	
<b>REAR SETBACK:</b> 15'	none required	
<b>PARKING:</b> 185 off-street parking spaces required; 203 spaces provided for entire development		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Office/Res 5 Commercial/Residential 6; NP-1 & CV-1	Commercial
<b>SOUTH:</b>	Office/Res 5 Commercial/Residential 6; NP-1 & CV-1	Commercial
<b>EAST:</b>	Commercial/Res 6; CV-1	MF Residential
<b>WEST:</b>	Office/Res 5; NP-1	Commercial Office and MF Res
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	SDMC 1512.0310(b)(7)(B) – 0'-11' setback where 15' is reqd above 36' in height – CV-1 portion only SDMC 1512.0311(b)(2)(A) – 2,810 sf street yard where 3,000 sf is required – NP-1 portion only SDMC 1512.0312(a)(3) – Offsetting planes proportions SDMC 1512.0312(b)(2) – More than allowable 50% vision glass on facades	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION</b>	The Uptown Planners voted 9-5-1 to recommend approval of the proposed project on April 1, 2008.	

PLANNING COMMISSION  
RESOLUTION NO.  
SITE DEVELOPMENT PERMIT NO. 352760  
**5<sup>TH</sup> & THORN - PROJECT NO. 105703 (MMRP)**

**DRAFT**

WHEREAS, FOURTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY and FIFTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Owner, and THE BARRETT FAMILY TRUST OF 1986, Permittee, filed an application with the City of San Diego for a permit to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 352760), on portions of a 0.92-acre site;

WHEREAS, the project site is located on the south side of Thorn Street, between 4<sup>th</sup> and 5<sup>th</sup> Avenues (including addresses: 403 Thorn Street, 3251 4<sup>th</sup> Avenue, 3225 4<sup>th</sup> Avenue, 3230 5<sup>th</sup> Avenue and 3252 5<sup>th</sup> Avenue; as well as historic structure addresses of 3235 and 3255 4<sup>th</sup> Avenue) in the NP-1 and CV-1 Zones of the Mid-City Communities Planned District, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, within the Uptown Community Plan;

WHEREAS, the project site is legally described as Lots A thru D and I thru L, Block 385, Horton's Addition, according to Map thereof made by L. L. Lockling;

WHEREAS, on June 24, 2010, the Planning Commission of the City of San Diego considered Site Development Permit No. 352760 pursuant to the Land Development Code of the City of San Diego;

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 24, 2010:

**Site Development Permit Findings - Section 126.0504**

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

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The Uptown Community Plan designates the proposed 0.92-acre project site for Office/Commercial at 44 to 73 dwelling units per acre (0.46 acres) and Commercial/Residential at 73 to 110 dwelling units per acre (0.46 acres). According to the Residential and Commercial Elements of the community plan, either office, commercial, or residential uses could be allowed on site. The project, consisting of multi-family residential units and "shopkeeper" type commercial uses would



be consistent with the existing land use designations. Based on the project acreage and recommended residential density for the project site, 54 to 84 dwelling units would be allowed on site. However, the project would seek a 20% affordable housing density bonus for the provision of 5 dwelling units affordable to very low income households. The provision of affordable units would implement goals and objectives in the Housing Element of the General Plan for the creation and promotion of affordable housing.

The proposed project would also meet the objective in the Transportation Element of the community plan for development of off-street parking facilities by providing four levels of underground parking which would be accessed from an existing drive way located on Thorn Street, and also promoting bicycling as an alternative form of transportation by including 44 bicycle spaces for residents and patrons.

According to the Urban Design Element of the community plan, new construction and improvements to existing structures should be compatible with the existing architectural detail and overall appearance of the quality development in the neighborhood. The proposed project uses architectural details similar to those found in existing buildings within the neighborhood. The Urban Design Element guidelines recommend that patios, balconies, courtyards, pools or other recreational amenities should be required for all residential projects to maximize usable open space. The proposed project would meet this design guideline by including balconies on multiple floors of the proposed development and a roof top pool deck with raised tree planters, enhanced paving, cabana, and outdoor fireplace. Additionally, the community plan states as a design guideline that large flat rooftops should be considered as usable outdoor space which can be designed to accommodate recreational activities. The project would meet this guideline by proposing private rooftop terraces on the 5<sup>th</sup> and 6<sup>th</sup> floors of development located on the corner of Thorn Avenue and 4<sup>th</sup> Street. These private roof terraces would feature tables, seating, raised tree planters, and overhead trellis structures. Design guidelines in the Urban Design Element of the community plan also recommend articulating the design of buildings so that they relate to the form and scale of surrounding structures through the use of compatible setbacks, building coverage and floor area ratios. The proposed project would utilize varying colors, building materials, offsetting planes, and building height variations to minimize the project's visual impact upon the neighborhood.

A design guideline of the Urban Design Element calls for restoring and adaptively reusing existing structures either by themselves or as elements of larger development projects. Additionally, the Conservation, Cultural and Heritage Resources Element of the community plan states the objective of preserving historic structures at their original location as well as in their historic context whenever possible. The proposed project would implement these policies by preserving two historically designated bungalows located on site. Previously, these structures were use for commercial purposes and would be converted to residential uses as part of the proposed project.

The project proposes deviations to the development regulations pertaining to traffic visibility areas, street wall heights, street yard requirements, offsetting planes proportions, and transparency requirements. Although the community plan does not provide specific development/design regulations, the proposed project would incorporate several features that would address building bulk, scale, and design to a level that would not conflict with community plan goals, objectives, and recommendations. Accordingly, the proposed the project would not adversely affect the Uptown Community Plan.

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

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The proposed development is on an existing developed site. The site has been studied for potential historical resource (buildings), archaeological resource and paleontological resource impacts.

Mitigated Negative Declaration No. 105703 has been prepared for the project in accordance with the State of California Environmental Quality Act. A Mitigation, Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level below significance, some of the potential impacts identified in the environmental review process.

The project would comply with the development regulations in effect for the subject property as described in Site Development Permit No. 352760, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code and the Subdivision Map Act. The proposed development would be required to obtain building permits and process all mapping actions to show that all construction would comply with all applicable building and fire code requirements. The project proposes to incorporate sustainable design practices including energy-efficient windows, lighting motion sensors, native landscaping, and energy-efficient mechanical units. The siting of residential infill adjacent to existing transit access and commercial infrastructure encourages walking and reduces the automobile trips that are detrimental to public health and safety.

Therefore, proposed development would not be detrimental to the public health, safety, and welfare.

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

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The proposed redevelopment would comply with the applicable regulations of the NP-1 and CV-1 Zones of the Mid-City Communities Planned District. The intent of the Commercial Village (CV) zones is to provide for pedestrian-oriented districts for either commercial, residential, or mixed-use development. It is normally applied in linear areas between commercial nodes. The standards encourage pedestrian activity through the design and location of building frontages and of parking and vehicle access. Incentives are provided for mixed-use development in these areas where transit and services are generally available. The Neighborhood Professional (NP) zones are intended to



provide for business and professional offices, certain allied services normally associated with such offices, and residential user. They will generally be located near hospitals or adjacent to major concentrations of commercial activities. The standards are designed to ensure compatibility between office development and existing or new residential development by providing for appropriate setbacks and limitations on floor area and signage. The NP-1 Zone encourages a mixture of office and residential use at a high density.

Deviations from development regulations for projects as allowed through the Site Development Permit process are consistent with the Land Development Code portions of the San Diego Municipal Code. Strict application of the development regulations regarding street wall, street yard, offsetting plans and transparency would restrict the ability to meet Fire Department requirements, maintain historic designation requirements, provide superior design supported by the community, and conform with additional code requirements regarding transparency. Further, when considering the project as a whole these deviations are minor in scope and the proposed modifications provide for a more attractive design than would be achieved through the strict application of the development regulations.

Therefore, proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

**Supplemental Site Development Permit Findings-- Historical Resources Deviation for Relocation of a Designated Historical Resource**

- 1. There are no feasible measures, including maintaining the resource on site, that can further minimize the potential adverse effects on historical resources.**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The purpose of the Historical Resources Regulations, as stated in Land Development Code Section 143.0201, is to protect, preserve and, where damaged, restore the historical resources of San Diego, which include historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to assure that development occurs in a manner that protects the overall quality of historical resources. "It is further the intent of these regulations to protect the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with the sound historical preservation principles and the right of private property owners."

The proposed project has been designed to permit the development of this private property, in accordance with its current zoning and community plan designation, while also providing for the rehabilitation and reuse of two historical structures on their original site. The site contains two designated historic structures (HRB Site No. 828; 3235 and 3255 Fourth Avenue). The project includes the temporary removal of these two designated historic buildings. An initial Environmental Initial Study (EIS) was conducted for the proposed subdivision in accordance with

the California Environmental Quality Act (CEQA) that determined the project could have potential adverse impacts to historical resources (buildings), historical resources (archaeology), and paleontological resources. A Mitigation, Monitoring and Reporting Program (MMRP) has been created for the project with measures that would reduce the potential adverse impacts to below a level of significance. As documented within the MMRP, these structures are proposed to be removed from the site while subterranean parking is created, then relocated back to the site and incorporated into the full project design as residential units. Additional mitigation requirements are incorporated into the project to reduce potential adverse impacts to archaeological and paleontological resources.

The temporary relocation of the two structures is a mechanism that will allow them to be incorporated into the new development on the site while preserving their historical integrity, content and appearance. The temporary relocation of the two historic structures, during construction on the site, serves two purposes. It protects the historic structures from damage during construction and it allows the construction of underground parking underneath to serve the two structures once they are returned to their original sites. Not only will this project protect the historic structures, it will rehabilitate them in accordance with the Secretary of the Interior's Standards for Rehabilitation, making them suitable for reuse for many more decades to come. They will retain their status as designated historical landmarks of the City of San Diego. And, since they will have been rehabilitated, brought up to all applicable codes and incorporated into a new development, they will be immune from future adverse impacts motivated by development pressures. The only other option would be to maintain these structures on site during the construction of the surrounding project and to construct the underground parking underneath while they remain in place. This course of action would likely generate adverse effects on the historical resources. The proposed project was designed to protect the structures, avoid adverse effects and maintain them on their original site, as protected historical resources, for decades to come. Therefore, there is no feasible measure that can further minimize the potential adverse effects on historical resources.

**2. The proposed relocation will not destroy the historical, cultural, or architectural values of the historical resource, and the relocation is part of a definitive series of actions that will assure the preservation of the designated historical resource.**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The project applicant has agreed to implement the measures identified in the Mitigation, Monitoring and Reporting Program prepared for this project, including the temporary relocation, rehabilitation and reuse of the designated historical resources, #828, the Dr. Charles Tanner Office Bungalow Court. The project applicant prepared the Historical Assessment of the property and submitted it to the City of San Diego's Historical Resource Board, which designated the two structures as Historical Landmark #828 in August of 2007. On June 6, 2007, the project applicant presented the proposed project to the Design Assistance Subcommittee of the Historical Resources Board. At that meeting, the Subcommittee made several recommendations pertaining to the treatment of the resources that were subsequently incorporated into the project. It was the

consensus of the Subcommittee that, with the incorporation of their recommendations, the proposed project would meet the Secretary of the Interior's Standards for Rehabilitation. The Subcommittee's views on the project were discussed during the August designation hearing as was the fact that the proposed project would be returning to the Historical Resources Board, for their recommendations, as part of the Site Development Permit process. At the conclusion of the designation hearing, the Board designated the two front structures on the property but not the two rear structures on the property.

The project applicant has agreed to comply with all rules, regulations and ordinances pertaining to the designation status and the Site Development Permit for the temporary relocation, rehabilitation and reuse of the two designated structures as required by the San Diego Municipal Code. The project applicant has prepared a Historical American Building Survey of the property. The project applicant will stabilize the two structures as follows. Certain building elements will be protected and remain in place during the temporary relocation and other elements will be removed for safe storage and later returned to the structures after they have been restored to their original locations. The structures will be internally braced and externally protected for relocation, after which they will be severed from their existing foundations below their bottom floor plate, supported by steel beam stretchers, lifted on to transport vehicles and moved to a temporary storage site where they will be set on storage blocks and protected until the on-site construction has created raised pads on the new foundation at the original site. The structures will then be returned to their new foundation and anchored in place. Permanent structural bracing will be installed, the elements removed for protection will be reinstalled and the buildings will be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation. A qualified historical architect monitor will supervise the temporary relocation and rehabilitation projects. The structures' status as a designated historical resource will be retained and they will remain subject to the jurisdiction of the Historical Resources Board. These measures ensure that the proposed relocation and reuse will not destroy the historical, cultural, or architectural values of the historical resource and the temporary relocation will be part of a definitive series of actions to ensure the preservation of the designated historical resources.

3. **There are special circumstances or conditions apart from the existence of historical resources, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land.**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The proposed project would demolish existing commercial/office structures, temporarily relocate two designated historic structures, construct a new mixed-use development and return the historic structures to their original locations for rehabilitation in accordance with the Secretary of the Interior's Standards for Rehabilitation and reuse as part of the new development. The proposed project is within the Uptown Community Plan area. The Summary of Recommendations from the Uptown Community Plan includes the following: "The overall concept of the plan is to shift higher residential density away from the more isolated, lower scale neighborhoods and focus development

instead on the major transportation corridors. Mixed-use development is encouraged in selected areas with residential use over street level retail use.” In terms of Development Intensity, the plan identifies the project site as within the High Density Node Corridor of Fourth, Fifth and Sixth Avenues north of Maple Street, permitting Mid to High Rise structures of 4 to 12 stories in height. The zoning of the project site is split between the eastern, CV-1 zone allowing a height up to 150 feet and the western, NP-1 zone, allowing a height up to 60 feet. The project site is 0.92 acre and its permitted development, per the Community Plan and existing zoning, is consistent with that proposed by the project. This permitted level of development is peculiar to the land and not of the applicant’s making and the strict application of the historical resources regulations, that would not allow the temporary relocation of the designated structures in order to permit the development of the property in accordance with the Community Plan and existing zoning, would deprive the property owner of reasonable use of the land and a deviation is warranted.

**Mid-City Communities Development Permit- Land Development Code Section 1512.0203(b)(2 & 4)**

**1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Uptown Community Plan.**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The Uptown Community Plan designates the proposed 0.92-acre project site for Office/Commercial at 44 to 73 dwelling units per acre (0.46 acres) and Commercial/Residential at 73 to 110 dwelling units per acre (0.46 acres). According to the Residential and Commercial Elements of the community plan, either office, commercial, or residential uses could be allowed on site. The project, consisting of multi-family residential units and “shopkeeper” type commercial uses would be consistent with the existing land use designations. Based on the project acreage and recommended residential density for the project site, 54 to 84 dwelling units would be allowed on site. However, the project would seek a 20% affordable housing density bonus for the provision of 5 dwelling units affordable to very low income households. The provision of affordable units would implement goals and objectives in the Housing Element of the General Plan for the creation and promotion of affordable housing.

The proposed project would also meet the objective in the Transportation Element of the community plan for development of off-street parking facilities by providing four levels of underground parking which would be accessed from an existing drive way located on Thorn Street, and also promoting bicycling as an alternative form of transportation by including 44 bicycle spaces for residents and patrons.

According to the Urban Design Element of the community plan, new construction and improvements to existing structures should be compatible with the existing architectural detail and overall appearance of the quality development in the neighborhood. The proposed project uses architectural details similar to those found in existing buildings within the neighborhood. The Urban Design Element guidelines recommend that patios, balconies, courtyards, pools or other

recreational amenities should be required for all residential projects to maximize usable open space. The proposed project would meet this design guideline by including balconies on multiple floors of the proposed development and a roof top pool deck with raised tree planters, enhanced paving, cabana, and outdoor fireplace. Additionally, the community plan states as a design guideline that large flat rooftops should be considered as usable outdoor space which can be designed to accommodate recreational activities. The project would meet this guideline by proposing private rooftop terraces on the 5<sup>th</sup> and 6<sup>th</sup> floors of development located on the corner of Thorn Avenue and 4<sup>th</sup> Street. These private roof terraces would feature tables, seating, raised tree planters, and overhead trellis structures. Design guidelines in the Urban Design Element of the community plan also recommend articulating the design of buildings so that they relate to the form and scale of surrounding structures through the use of compatible setbacks, building coverage and floor area ratios. The proposed project would utilize varying colors, building materials, offsetting planes, and building height variations to minimize the project's visual impact upon the neighborhood.

A design guideline of the Urban Design Element calls for restoring and adaptively reusing existing structures either by themselves or as elements of larger development projects. Additionally, the Conservation, Cultural and Heritage Resources Element of the community plan states the objective of preserving historic structures at their original location as well as in their historic context whenever possible. The proposed project would implement these policies by preserving two historically designated bungalows located on site. Previously, these structures were use for commercial purposes and would be converted to residential uses as part of the proposed project.

The project proposes deviations to the development regulations pertaining to traffic visibility areas, street wall heights, street yard requirements, offsetting planes proportions, and transparency requirements. Although the community plan does not provide specific development/design regulations, the proposed project would incorporate several features that would address building bulk, scale, and design to a level that would not conflict with community plan goals, objectives, and recommendations.

The proposed use of the site is consistent with the purpose and intent of the Mid-City Communities Planned District in that the project provides an appropriately located, attractive, residential project. The proposed use and design would be compatible with the existing and current development occurring within this area of the Uptown Community Plan.

Therefore, the use and project design do meet the purpose and intent of the Mid-City Communities Plan District Ordinance and would not adversely affect the Uptown Community Plan.

2. **The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible.**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

According to the Urban Design Element of the Uptown Community Plan, new construction and improvements to existing structures should be compatible with the existing architectural detail and overall appearance of the quality development in the neighborhood. The proposed project uses architectural details similar to those found in existing buildings within the neighborhood. The townhome component of the project located at the corner of Fifth Avenue and Thorn Street would incorporate brick and white masonry trim similar to the existing Park Manor building located across 5<sup>th</sup> Avenue to the southeast. Additionally, the project's proposed tower element utilizes horizontal offsets and surface elevations similar to the existing residential high-rise and commercial developments within the vicinity of the project, which have been contributing to the growing and changing character along 5<sup>th</sup> Avenue within Bankers Hill/Park West neighborhood of the Uptown community.

As described in Finding 1, above, the proposed project would incorporate several other objectives of the Urban Design Element of the Uptown Community Plan. Therefore, the proposed project would not constitute a disruptive element and would achieve architectural harmony with the surrounding neighborhood and community to the extent possible.

3. **The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The proposed development is on an existing developed site. The site has been studied for potential historical resource (buildings), archaeological resource and paleontological resource impacts.

Mitigated Negative Declaration No. 105703 has been prepared for the project in accordance with the State of California Environmental Quality Act. A Mitigation, Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level below significance, some of the potential impacts identified in the environmental review process.

The project would comply with the development regulations in effect for the subject property as described in Site Development Permit No. 352760, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code and the Subdivision Map Act. The proposed development would be required to obtain building permits and process all mapping actions to show that all construction would comply with all applicable building and fire code requirements. The project proposes to incorporate sustainable design practices including energy-efficient windows, lighting motion sensors, native landscaping, and energy-efficient mechanical units. The siting of residential infill adjacent to existing transit access and commercial infrastructure encourages walking and reduces the automobile trips that are detrimental to public health and safety.

Therefore, proposed development would not be detrimental to the public health, safety, and welfare.

**4. Adequate Public Facilities (Park deficient neighborhoods).**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The project is not located in a park deficient neighborhood; therefore, this finding does not apply to this project. The Mid-City Communities Planned District identifies facility deficient neighborhoods as those neighborhoods that are shown on Map No. B-4104. The Central Urbanized Planned District now incorporates all neighborhoods that are shown on Map No. B-4101 and those neighborhoods are no longer within the Mid-City Communities Planned District.

**5. Adequate Lighting**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots. The project has been conditioned to conform to all Municipal Code requirements, which would include current street lighting standards according to the adopted City of San Diego Street Design Manual and Council Policy 200-18. Implementation and review of these requirements will occur during the construction permit stage of this project.

**6. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The proposed project complies with all applicable development regulations of the NP-1 and CV-1 Zones of the Mid-City Communities Planned District, except for the four proposed deviations, which are allowed through the Site Development Permit process and in accordance with the Mid-City Communities Planned District. Strict application of the development regulations regarding street wall, street yard, offsetting plans and transparency would restrict the ability to meet Fire Department requirements, maintain historic designation requirements, provide superior design supported by the community, and conform with additional code requirements regarding transparency. Further, when considering the project as a whole these deviations are minor in scope and the proposed modifications provide for a more attractive design than would be achieved through the strict application of the development regulations.

Therefore, proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 352760 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. 352760, a copy of which is attached hereto and made a part hereof.

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MICHELLE SOKOLOWSKI  
Development Project Manager  
Development Services

Adopted on: June 24, 2010

Internal Order No. 23426582



**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**  
**Delete one of the above.**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23426582

SITE DEVELOPMENT PERMIT NO. 352760  
**5<sup>TH</sup> & THORN - PROJECT NO. 105703 (MMRP)**  
PLANNING COMMISSION

**DRAFT**

This Site Development Permit No. 352760 is granted by the Planning Commission of the City of San Diego to FOURTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY and FIFTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Owner, and THE BARRETT FAMILY TRUST OF 1986, Permittee, pursuant to San Diego Municipal Code [SDMC] section 103.1504. The 0.92-acre site is located on the south side of Thorn Street, between 4<sup>th</sup> and 5<sup>th</sup> Avenues (including addresses: 403 Thorn Street, 3251 4<sup>th</sup> Avenue, 3225 4<sup>th</sup> Avenue, 3230 5<sup>th</sup> Avenue and 3252 5<sup>th</sup> Avenue; as well as historic structure addresses of 3235 and 3255 4<sup>th</sup> Avenue) in the NP-1 and CV-1 Zones of the Mid-City Communities Planned District, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, within the Uptown Community Plan. The project site is legally described as: Lots A thru D and I thru L, Block 385, Horton's Addition, according to Map thereof made by L. L. Lockling.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 24, 2010, on file in the Development Services Department.

The project shall include:

- a. The demolition of existing commercial/office structures;
- b. The temporary relocation of two designated historic structures;

- c. The construction of a mixed-use development, including 100 residential condominium units and approximately 1,754 square feet of new commercial use, a community room, and subterranean parking;
- d. Two existing commercial buildings will remain as part of the project, for a total of approximately 15,154 square feet of commercial development;
- e. Deviations for the proposed project more fully described in Condition No. 40 include: street wall height, street yards, offsetting plans, and transparency.
- f. Landscaping (planting, irrigation and landscape related improvements);
- g. Off-street parking; and
- h. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void 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. 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.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The 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 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.).
7. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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. 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.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 105703 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 105703 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources (buildings 3235 and 3255 4<sup>th</sup> Avenue, Historic Site No. 828),  
Historical Resources (archaeology), and Paleontological Resources

**HISTORICAL RESOURCES BOARD STAFF REQUIREMENTS:**

14. The Owner/Permittee shall notify the Historical Resources Board staff of any damage to the historical resource during relocation and rehabilitation and shall obtain approval by Historical Resources Board staff regarding any further necessary mitigation measures.

15. The Owner/Permittee shall comply with the U.S. Secretary of the Interior's Standards and Guidelines for any further mitigation for any damage as a result of relocation and rehabilitation of the historical resource.

**AFFORDABLE HOUSING REQUIREMENTS:**

16. Prior to receiving the first residential building permit, the applicant shall pay 50% of the Inclusionary In-Lieu fees and shall enter into an Affordable Housing Agreement with the San Diego Housing Commission to provide 5 affordable units in compliance with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and the Density Bonus Program (California Government Code Sections 65915-65918 and Chapter 14, Article 3, Division 7 of the Land Development Code).

**AIRPORT REQUIREMENTS:**

17. Prior to issuance of grading and/or construction permits, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

**ENGINEERING REQUIREMENTS:**

18. The Site Development Permit shall comply with the conditions of the final map for "Thorn Street Condominiums" Tentative Map No. 352761.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

23. This project proposes to export 20,400 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

24. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, adjacent to the site on 4th Avenue, 5th Avenue, and Thorn Street, satisfactory to the City Engineer.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on 4th Avenue, 5th Avenue, and Thorn Street, satisfactory to the City Engineer.

26. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the reconstruction of the 2 existing curb ramps to current City Standards, 1 at

the southeast corner of the 4th Avenue and Thorn Street intersection and 1 at the southwest corner of the 5th Avenue and Thorn Street intersection, satisfactory to the City Engineer.

27. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the closure of the non-utilized driveway with full height curb, gutter, and sidewalk, adjacent to the site 5th Avenue, satisfactory to the City Engineer.

28. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the building footings, balcony, concrete awning, and architectural features in the 4th Avenue, 5th Avenue, and Thorn Street rights-of-way, satisfactory to the City Engineer.

29. The drainage system proposed for this development is private and subject to approval by the City Engineer.

30. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the modified D-25 curb outlet and landscaping in the 4th Avenue, 5th Avenue, and Thorn Street rights-of-way, satisfactory to the City Engineer.

31. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the removal and replacement of the existing driveways with 16' wide and 24' wide City Standard driveways, adjacent to the site on 4th Avenue and Thorn Street, respectively, satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

32. Prior to issuance of Public Right-of-Way Permits; the Owner/Permittee shall submit complete landscape construction documents demonstrating the right-of-way improvements to the Development Services Department for approval. Improvement plans shall indicate an area equal to 40 square feet 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.

33. In the event that a foundation only permit is requested by the Owner/Permittee; a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

34. Prior to issuance of Building Permits; the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

35. Prior to issuance of a Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee 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. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
37. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
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, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

39. 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 Owner/Permittee.
40. The following deviations are approved with this Site Development Permit:
- a. Street wall - SDMC 1512.0310(b)(7)(B) requires structures to have a setback of 15 feet from the base of the street wall. Deviations as specified on Exhibit "A" allow a range of 0- to 11-foot setbacks from the street wall along Thorn and 5<sup>th</sup> are approved with this project. This applies only in the CV-1 zoned portion of the site.
  - b. Street yard - SDMC 1512.0311(b)(2)(A) requires a street yard of a minimum 3,000 square feet in area (20 feet x 150' lot frontage) where no structures may be located. A deviation to allow 2,810 square feet as specified on Exhibit "A" is approved with this project. This applies only in the NP-1 portion of the site.
  - c. Offsetting planes - SDMC 1512.0312(a)(3) requires minimum and maximum proportions for each required offsetting plane. The project has the number of required planes, but does not meet the proportion requirement. Sheets 30 and 32 of Exhibit "A" contain the permitted articulation calculations for the affected elevations.

d. Transparency - SDMC 1512.0312(b)(2) allows no more than a combined total of 50 percent of the facades to be vision glass or reflective spandrel construction. A deviation to provide in excess of 50 percent, as specified on Exhibit "A," is approved with this project.

41. Once relocated back to the site per the adopted Mitigation, Monitoring and Reporting Program, the two designated historic structures (3235 and 3255 4<sup>th</sup> Avenue, Historic Site No. 828) shall be preserved consistent with the Historic Regulations of the Land Development Code.
42. All new shopkeeper units shall provide ADA accessible entrances into the commercial space directly from 5th Avenue. The finish floor of the commercial units shall be at approximately the same elevation as the sidewalk so as to not require ramps from the right-of-way or within the commercial unit.
43. The materials, textures, and architectural projections shown on the approved Exhibit "A" are the minimum requirements to ensure compliance with the purpose and intent of the Mid-City PDO. Any changes during the building permit shall either meet or exceed what is shown in the Exhibit "A" in terms of variety, quantity and quality.
44. The project's design shall maintain the use of brick veneer along the elevations of the "townhomes" component of the overall project located at the corner of Thorn Street and 4th Avenue as shown on approved Exhibit "A". Any substitutions in material and texture shall add to the varied design of the project and exceed the quality of those materials shown on approved Exhibit "A."
45. Awnings that are architecturally consistent with the main mixed-use building shall be provided above each commercial entrance along 5th Avenue.
46. For that portion of all facades above the ground floor, no more than a combined total of 50 percent of each of the facades shall be vision glass or reflective spandrel construction.
47. All vision glass and reflective spandrel construction shall be of material which is no more than 30 percent in reflectivity.
48. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
49. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.
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.



**TRANSPORTATION REQUIREMENTS:**

51. No fewer than 185 off-street parking spaces (with 203 on-site parking spaces provided) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". As per Exhibit "A," a minimum of 16 motorcycle and 53 bicycle spaces shall also be maintained. 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 by the appropriate City decision maker in accordance with the SDMC.

52. Shared Parking Agreement: A signed Shared Parking Agreement shall be provided, and recorded on all affected properties, prior to the issuance of the first building permit, identifying the 13, of the 203, on-site parking spaces that will be shared with the adjacent 9,200 square-foot office use, satisfactory to the Development Services Department Director.

53. A minimum of one (1) off-street loading space, with minimum dimensions of 12 feet in width, 35 feet in length, and a vertical clearance of 14 feet, shall be provided and maintained at all times as shown in Exhibit "A," satisfactory to the City Engineer.

**WASTEWATER REQUIREMENTS:**

54. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

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

**WATER REQUIREMENTS:**

56. 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) outside of any vehicular use area and the removal of all unused services, within the rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

57. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on all existing and proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Cross Connection Control Group, the Water Department Director and the City Engineer.

58. 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. Fire hydrants shall be located a minimum of five feet from any structures above, at or below grade.

59. 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.

60. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

61. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water 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 to comply with standards.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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.
- 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 24, 2010, by Resolution No. \_\_\_\_\_.

Site Development Permit No. 352760  
Date of Approval: June 24, 2010

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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MICHELLE SOKOLOWSKI  
Development Project Manager

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

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**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.

**[NAME OF COMPANY]**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**[NAME OF COMPANY]**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

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

PLANNING COMMISSION  
RESOLUTION NUMBER R-\_\_\_\_\_

TENTATIVE MAP NO. 352761  
5<sup>TH</sup> & THORN - PROJECT NO. 105703 – **MMRP**

WHEREAS, FOURTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY and FIFTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Subdivider, and S B & O, INC., Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 352761) for the 5<sup>th</sup> & Thorn project to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development. The project site is located on the south side of Thorn Street, between 4<sup>th</sup> and 5<sup>th</sup> Avenues (including addresses: 403 Thorn Street, 3251 4<sup>th</sup> Avenue, 3225 4<sup>th</sup> Avenue, 3230 5<sup>th</sup> Avenue and 3252 5<sup>th</sup> Avenue; as well as historic structure addresses of 3235 and 3255 4<sup>th</sup> Avenue) in the NP-1 and CV-1 Zones of the Mid-City Communities Planned District, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, within the Uptown Community Plan. The property is legally described as Lots A thru D and I thru L, Block 385, Horton's Addition, according to Map thereof made by L. L. Lockling; and

WHEREAS, the Map proposes the Subdivision of a 0.92-acre site into 3 lots for residential/commercial development (100 condominium units comprised of 97 residential and 3 commercial/residential units); and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 100; and

WHEREAS, on June 24, 2010, the Planning Commission of the City of San Diego considered Tentative Map No. 352761, and pursuant to San Diego Municipal Code section 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 352761:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The Uptown Community Plan designates the proposed 0.92-acre project site for Office/Commercial at 44 to 73 dwelling units per acre (0.46 acres) and Commercial/Residential at 73 to 110 dwelling units per acre (0.46 acres). According to the Residential and Commercial Elements of the community plan, either office, commercial, or residential uses could be allowed on site. The project, consisting of multi-family residential units and “shopkeeper” type commercial uses would be consistent with the existing land use designations. Based on the project acreage and recommended residential density for the project site, 54 to 84 dwelling units would be allowed on site. However, the project would seek a 20% affordable housing density bonus for the provision of 5 dwelling units affordable to very low income households. The provision of affordable units would implement goals and objectives in the Housing Element of the General Plan for the creation and promotion of affordable housing.

A design guideline of the Urban Design Element calls for restoring and adaptively reusing existing structures either by themselves or as elements of larger development projects. Additionally, the Conservation, Cultural and Heritage Resources Element of the community plan states the objective of preserving historic structures at their original location as well as in their historic context whenever possible. The proposed project would implement these policies by preserving two historically designated bungalows located on site. Previously, these structures were used for commercial purposes and would be converted to residential uses as part of the proposed project.

The project proposes deviations to the development regulations pertaining to traffic visibility areas, street wall heights, street yard requirements, offsetting planes proportions, and transparency requirements. Although the community plan does not provide specific development/design regulations, the proposed project would incorporate several features that would address building bulk, scale, and design to a level that would not conflict with community plan goals, objectives, and recommendations. As proposed, the proposed subdivision and its design are consistent with the policies, goals and objectives of the Uptown Community Plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The proposed redevelopment would comply with the applicable regulations of the NP-1 and CV-1 Zones of the Mid-City Communities Planned District. The intent of the Commercial Village (CV) zones is to provide for pedestrian-oriented districts for either commercial, residential, or mixed-use development. It is normally applied in linear areas between commercial nodes. The standards encourage pedestrian activity through the design and location of building frontages and of parking and vehicle access. Incentives are provided for mixed-use development in these areas where transit and services are generally available. The Neighborhood Professional (NP) zones are intended to provide for business and professional offices, certain allied services normally associated with such offices, and residential use. They will generally be located near hospitals or adjacent to major concentrations of commercial activities. The standards are designed to ensure compatibility between office development and existing or new residential development by providing for appropriate setbacks and limitations on floor area and signage. The NP-1 Zone encourages a mixture of office and residential use at a high density.

The proposed redevelopment would comply with the applicable regulations of the NP-1 and CV-1 Zones of the Mid-City Communities Planned District. The intent of the Commercial Village (CV) zones is to provide for pedestrian-oriented districts for either commercial, residential, or mixed-use development. It is normally applied in linear areas between commercial nodes. The standards encourage pedestrian activity through the design and location of building frontages and of parking and vehicle access. Incentives are provided for mixed-use development in these areas where transit and services are generally available. The Neighborhood Professional (NP) zones are intended to provide for business and professional offices, certain allied services normally associated with such offices, and residential user. They will generally be located near hospitals or adjacent to major concentrations of commercial activities. The standards are designed to ensure compatibility between office development and existing or new residential development by providing for appropriate setbacks and limitations on floor area and signage. The NP-1 Zone encourages a mixture of office and residential use at a high density.

Deviations from development regulations for projects as allowed through the Site Development Permit process are consistent with the Land Development Code portions of the San Diego Municipal Code. Strict application of the development regulations regarding street wall, street yard, offsetting plans and transparency would restrict the ability to meet Fire Department requirements, maintain historic designation requirements, provide superior design supported by the community, and conform with additional code requirements regarding transparency. Further, when considering the project as a whole these deviations are minor in scope and the proposed modifications provide for a more attractive design than would be achieved through the strict application of the development regulations.

Therefore, proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The project site is well suited for the addition of higher density multifamily housing, due to its proximity to existing public transit and established employment, shopping, dining, and entertainment opportunities in the neighborhood. The 5<sup>th</sup> Avenue frontage is designated as commercial village zoning, which encourages neighborhood commercial uses. In addition, Balboa Park is located one block to the east. The proposed construction of 100 multi-family dwelling units (three of which are live/work units) would complement the existing mixed-use nature of this area. The General Plan calls for redevelopment, infill and new growth to be focused adjacent to transit stops in compact,

mixed-use centers. This project proposal achieves this goal by adding high density, multi-family housing to an existing employment area, connected to transit and recreation. Therefore, the site is physically suitable for the type and density of development proposed.

**4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

An initial Environmental Initial Study (EIS) was conducted for the proposed subdivision in accordance with the California Environmental Quality Act (CEQA) that determined the project could have potential adverse impacts to historical resources (buildings), historical resources (archaeology), and paleontological resources. A Mitigation, Monitoring and Reporting Program (MMRP) has been created for the project with measures that would reduce the potential adverse impacts to below a level of significance. The site contains two designated historic structures (HRB Site No. 828; 3235 and 3255 Fourth Avenue). As documented within the MMRP, these structures are proposed to be removed from the site while subterranean parking is created, then relocated back to the site and incorporated into the full project design. Additional mitigation requirements are incorporated into the project to reduce potential adverse impacts to archaeological and paleontological resources.

The project site is located in an urbanized area and there are no watercourses on site. Accordingly, project implementation would not impact fish or their habitat. Therefore, site is physically suitable for the design and siting of the proposed development and the development would result in minimum disturbance to environmentally sensitive lands. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The 5<sup>th</sup> & Thorn Project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as



well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The proposed development is on an existing developed site. The site has been studied for potential historical resource (buildings), archaeological resource and paleontological resource impacts.

Mitigated Negative Declaration No. 105703 has been prepared for the project in accordance with the State of California Environmental Quality Act. A Mitigation, Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level below significance, some of the potential impacts identified in the environmental review process.

The project would comply with the development regulations in effect for the subject property as described in Site Development Permit No. 352760, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code and the Subdivision Map Act. The proposed development would be required to obtain building permits and process all mapping actions to show that all construction would comply with all applicable building and fire code requirements. The project proposes to incorporate sustainable design practices including energy-efficient windows, lighting motion sensors, native landscaping, and energy-efficient mechanical units. The siting of residential infill adjacent to existing transit access and commercial infrastructure encourages walking and reduces the automobile trips that are detrimental to public health and safety. The proposed infill development on a previously-disturbed site protects greenfields and natural resources.

Therefore, proposed development would not be detrimental to the public health, safety, and welfare.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The 5<sup>th</sup> & Thorn project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The project does not propose eliminate existing easements, and all development is proposed on private property. The development area is surrounded on three sides by public rights-of-way (4<sup>th</sup> Avenue, Thorn Street, and 5<sup>th</sup> Avenue), and project implementation will enhance these rights-of-way by reducing the amount of curb cuts and upgrading the landscape and streetscape, which would improve public access and use of

the property. Therefore, design of the subdivision or the type of improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The 5<sup>th</sup> & Thorn project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

The project proposes to incorporate sustainable design practices including energy-efficient windows, lighting motion sensors, native landscaping, and energy-efficient mechanical units. Additionally, the project proposes to include light colored roofing to decrease heat gain. The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The 5<sup>th</sup> & Thorn project proposes to demolish existing commercial/office structures, temporarily relocate two designated historic structures, and construct a mixed-use development on the 0.92-acre project site. The project includes a Site Development Permit for the historic buildings and for deviations to the development regulations, as well as a Tentative Map to create 100 condominium units (97 residential and 3 commercial/residential) on three lots.

In addition, the Project would help to provide affordable housing opportunities that would promote an economically balanced community. A minimum of five of the proposed dwelling units would be affordable per the Inclusionary Affordable Housing Regulations. A mix of one- and two-bedroom dwelling units would provide a variety of housing options and costs in close proximity to employment and transportation options.

The proposed development would support infrastructure improvements in the community by providing public open space and park improvements through in-lieu fees, public services through development impact fees, and street frontage improvements. The additional customer base supplied by the residential units would assist in the continued viability of the existing retail area, contributing taxes and economic stability to the

community. Therefore, the decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 352761, is hereby granted to FOURTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY and FIFTH & THORN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_  
MICHELLE SOKOLOWSKI  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 23426582

**DRAFT**

PLANNING COMMISSION  
CONDITIONS FOR TENTATIVE MAP NO. 352761  
5<sup>TH</sup> & THORN - PROJECT NO. 105703 – **MMRP**

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON JUNE 24, 2010

**GENERAL**

1. This Tentative Map will expire June 24, 2013.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Site Development Permit No. 352760.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 105703  
TM No. 352761

**AIRPORT**

7. Prior to recordation of the Final Map, the Subdivider shall provide a valid “Determination of No Hazard to Air Navigation” issued by the Federal Aviation Administration [FAA].

**AFFORDABLE HOUSING**

8. Prior to receiving the first residential building permit, the applicant shall pay 50% of the Inclusionary In-Lieu fees and shall enter into an Affordable Housing Agreement with the San Diego Housing Commission to provide 5 affordable units in compliance with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and the Density Bonus Program (California Government Code Sections 65915-65918 and Chapter 14, Article 3, Division 7 of the Land Development Code).

**ENGINEERING**

9. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
12. Conformance with the “General Conditions for Tentative Subdivision Maps,” filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**MAPPING**

13. “Basis of Bearings” means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].

Project No. 105703  
TM No. 352761

14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
15. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### **WASTEWATER**

16. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.
17. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

#### **WATER**

18. The Subdivider shall provide a letter, to the Development Project Manager, agreeing to prepare CC&R's for the operation and maintenance of all private water facilities that serve or traverse more than a single condominium unit or lot.
19. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map shall be modified at final engineering to comply with standards.

**INFORMATION:**

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 23426582

Project No. 105703  
TM No. 352761



RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON JUNE 24, 2010

WHEREAS, on June 16, 2006, 5<sup>th</sup> and Thorn, LLC submitted an application to the Development Services Department for a Site Development Permit and Tentative Map;

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on June 24, 2010, and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 105703 NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 105703 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By: \_\_\_\_\_  
Michelle Sokolowski, Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

## EXHIBIT A

## MITIGATION MONITORING AND REPORTING PROGRAM

## Site Development Permit and Tentative Map

PROJECT NO. 105703

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 105703) shall be made conditions of Site Development Permit and Tentative Map as may be further described below.

**A. GENERAL REQUIREMENTS - PART I**  
**Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** - The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS - PART II**  
**Post Plan Check (After permit issuance/Prior to start of construction)**

**1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

*Architectural Historian  
Preservation Architect  
Historical Consultant  
Qualified Archaeologist  
Qualified Paleontologist  
City Planning & Community Investment Historic Staff  
Native American Monitor*

**Note:**

**Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.**

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division - 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360

**2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #105703 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

**Note:**

**Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**

**3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

*Not Applicable*

**4. MONITORING EXHIBITS**

All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc.,

marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

**NOTE:**

**Surety and Cost Recovery - When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

**5. OTHER SUBMITTALS AND INSPECTIONS:**

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

<i><b>Issue Area</b></i>	<i><b>Document submittal</b></i>	<i><b>Assoc Inspection/Approvals/Note</b></i>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General		Consultant Const. Monitoring Exhibits Prior to or at the Pre-Construction meeting
Paleontology	Paleontology Reports	Paleontology site observation
Archeology	Archeology Reports	Archaeology/Historic site observation
Historic	HABS	Prior to or at Pre-Construction meeting

**C. PROJECT SPECIFIC REQUIREMENTS**

HISTORICAL RESOURCES (BUILDINGS)

In order to avoid potential impacts to historical resources (buildings), the following mitigation measures shall be implemented by the permit holder:

**I. Prior to Permit Issuance**

*A. Entitlements Plan Check*

1. Prior to the Notice to Proceed for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Designee (ED) shall verify that the requirements for Historical Monitoring have been noted on the appropriate construction documents.
2. Prior to any of the above conditions (A.1), the ADD ED shall verify and ensure that Plan-Historic staff has been included as a reviewer for the project building plans.

3. Prior to any of the above conditions (A.1), the ADD ED, MMC, and Plan-Historic shall verify that a qualified Architectural Historian or a Preservation Architect meeting the Secretary of Interior's Qualifications has been retained by the Permit Holder to prepare HABS (Historic American Building Survey) documentation of the designated historic buildings.

## II. *Prior to Start of Construction*

### A. *HABS Documentation*

1. Prior to the start the preparation of the historic structures for relocation, HABS documentation prepared by the qualified Architectural Historian or Preservation Architect, shall be submitted to, and approved by, Plan-Historic Staff. HABS documentation shall include written narrative, plan drawings, and photographs consistent with the National Park Service Guidelines found at the following website:  
<http://www.nps.gov/history/hdp/habs/>.

## III. *During Construction*

### A. *Preparation and Relocation of Historic Structures*

1. The qualified Architectural Historian (AH) shall monitor the preparation, moving, storage, relocation, and rehabilitation of the designated historic structures (3235 and 3255 Fourth Avenue).

### B. *Proposed Treatment*

1. HABS Documentation as noted in II.A.1., above
2. Prior to and/or during the temporary relocation, the AH shall ensure the following treatment measures are implemented:
  - a. Clay tile roofing to be removed and boxed, and saved for reinstallation after the structures are returned to the project site
  - b. Temporary roof membranes installed in placement of clay tile roofing
  - c. Exterior stucco to remain in place and protected to the greatest extent possible before, during, and after relocation
  - d. Door and window sash, jambs, and frames are to be numbered and cataloged by the Contractor; then sash are to be removed and stored in a secure location, leaving jambs and frames in place
  - e. Steel beams will be threaded through the existing window openings creating a 'stretcher' at each structure
  - f. Diagonal bracing will then be installed as required at the interior of the structures
  - g. Portions of walls exposed by removal of other buildings, and all windows and door openings are to be boarded up

- h. Building walls will then be cut from the existing floor framing between bottom plate and the subfloor
  - i. The buildings will then be lifted off their respective floors/foundations onto transport vehicles and moved to their secure temporary storage site, where they will temporarily set on blocks
3. After sufficient new construction has been completed, including two raised pads for foundations on the roof deck of the subterranean garage, the AH shall ensure and monitor the following treatment measures:
- a. The structures will again be lifted and transported back to their original home, set on raised concrete slabs, and anchored in place.
  - b. The interiors will then be stripped of all interior plaster, wiring, plumbing, and ductwork; interior partitions will be removed or relocated; new electrical, plumbing, mechanical systems and insulation will be installed. Then permanent structural bracing as required by the project structural engineer would be installed.
  - c. Exterior stucco is to remain on the buildings to the extent feasible and repaired and rehabilitated in place. A new waterproof roof membrane will be installed, followed by reinstallation of the clay roof tile to match the original form and texture.
  - d. Door and window frames are to be rehabilitated in place, and the exterior doors and window sash previously removed and stored are to be rehabilitated and reinstalled in their original locations.

## HISTORICAL RESOURCES (ARCHAEOLOGY)

### **I. Prior to Permit Issuance**

#### **A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

#### **B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

## II. Prior to Start of Construction

### A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

### B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

## III. During Construction

### A. Monitor(s) Shall be Present During Grading/Excavation/Trenching



1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
  2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
  3. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
    - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

#### IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

##### A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
  2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
  2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
  3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
  2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
    - c. In order to protect these sites, the Landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement on the site;
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the

human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

**V. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
    - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

**VI. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

- b. Recording Sites with State of California Department of Parks and Recreation  
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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### **PALEONTOLOGICAL RESOURCES**

In order to avoid potential impacts to paleontological resources, the following mitigation measures shall be implemented by the project applicant:

#### ***I. Prior to Permit Issuance***

##### ***A. Land Development Review (LDR) Plan Check***

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits

and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

- B. *Letters of Qualification have been submitted to ADD*
1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
  2. MMC would provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
  3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

## II. *Prior to Start of Construction*

- A. *Verification of Records Search*
1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
  2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. *PI Shall Attend Preconstruction Meetings*
1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
    - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
  2. *Identify Areas to be Monitored*  
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate

construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Would Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring would occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. *During Construction*

- A. *Monitor Shall be Present during Grading/Excavation/Trenching*
  1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
  2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. *Discovery Notification Process*
  1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. *Determination of Significance*

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery would be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources would be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. **Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
  1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. **No Discoveries**  
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
    - b. **Discoveries**  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
    - c. **Potentially Significant Discoveries**

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by SAM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## VI. *Post Construction*

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum - The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
  - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  - 4. MMC shall provide written verification to the PI of the approved report.
  - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. *Handling of Fossil Remains*
  - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the



geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

- C. *Curation of Fossil Remains: Deed of Gift and Acceptance Verification*
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. *Final Monitoring Report(s)*
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Revised 02/09 - abj



SITE PLAN - EXISTING

FLOOR AREA RATIO FOR UNDERLYING ZONE - EXISTING

NP-1 ZONE - EXISTING

COMMERCIAL (A, B, C, D, & H):	AREA (S.F.)
Ⓐ	5,950 S.F.
Ⓑ	2,345 S.F.
Ⓒ	1,628 S.F.
Ⓓ	5,000 S.F.
Ⓔ	3,925 S.F.
<b>COMMERCIAL GROSS BUILDING AREA TOTAL:</b>	<b>18,548 S.F.</b>
<b>SITE AREA IN NP-1 ZONE:</b>	<b>20,000 S.F.</b>
<b>COMMERCIAL F.A.R. = GBA / SITE AREA IN NP-1 ZONE:</b>	<b>0.93</b>

CV-1 ZONE - EXISTING

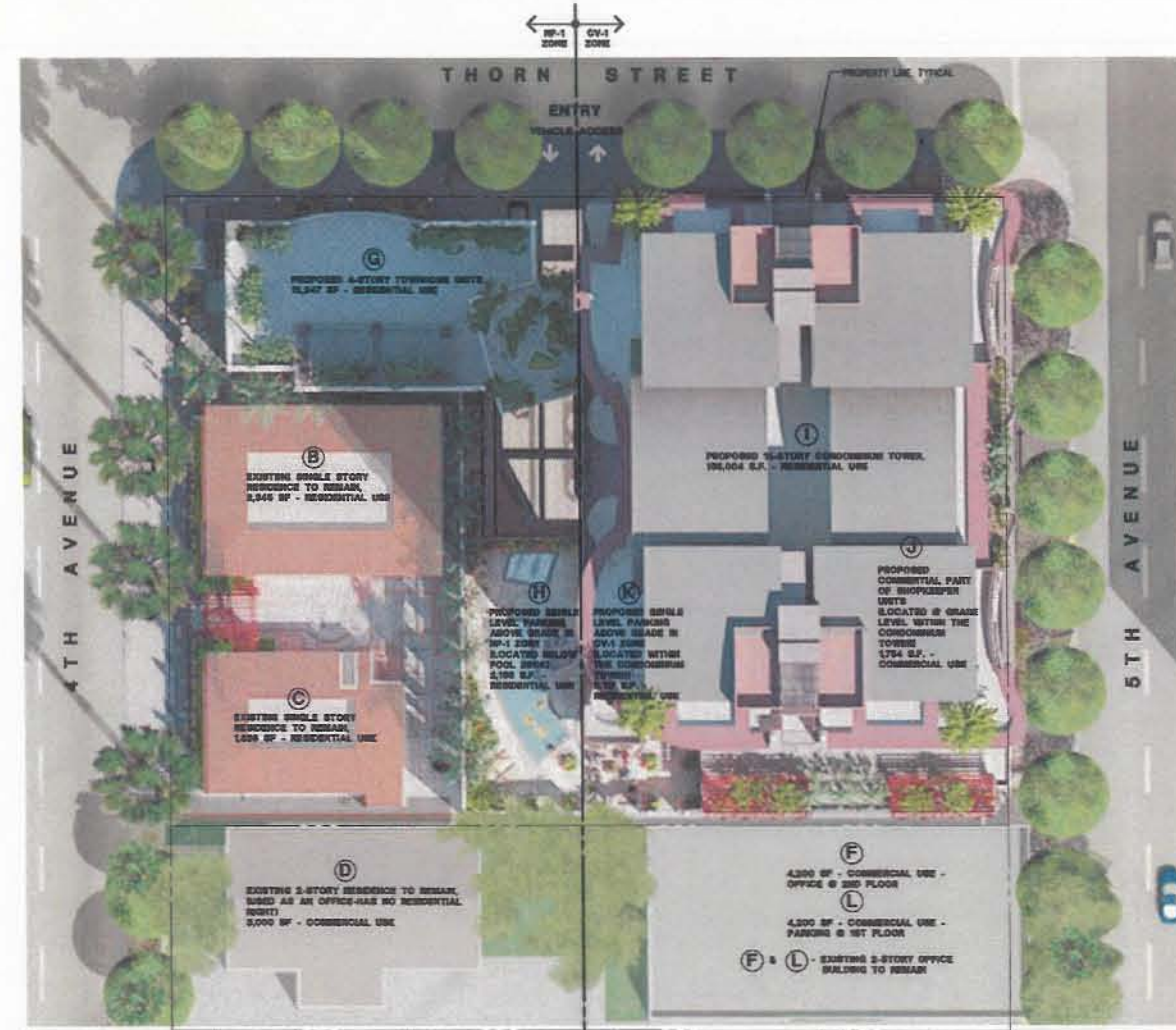
COMMERCIAL (E, F, & G):	AREA (S.F.)	USE	FINAL CONDITION:
Ⓔ	4,200	COMMERCIAL	TO BE DEMOLISHED
Ⓕ	4,200	COMMERCIAL	TO REMAIN
Ⓖ	4,200	COMMERCIAL	TO REMAIN

NP-1 ZONE - PROPOSED

COMMERCIAL (I, J, & K):	AREA (S.F.)
Ⓘ	4,200 S.F.
Ⓚ	4,200 S.F.
Ⓛ	5,000 S.F.
<b>COMMERCIAL GROSS BUILDING AREA TOTAL:</b>	<b>13,400 S.F.</b>
<b>SITE AREA IN NP-1 ZONE:</b>	<b>20,000 S.F.</b>
<b>COMMERCIAL F.A.R. = GBA / SITE AREA IN NP-1 ZONE:</b>	<b>0.67</b>

CV-1 ZONE - PROPOSED

RESIDENTIAL (M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z):	AREA (S.F.)	USE	FINAL CONDITION:
Ⓜ	10,000	RESIDENTIAL	TO BE DEMOLISHED
Ⓝ	4,200	RESIDENTIAL	TO REMAIN
Ⓟ	4,200	RESIDENTIAL	TO REMAIN



SITE PLAN - PROPOSED

FLOOR AREA RATIO FOR UNDERLYING ZONE - PROPOSED

NP-1 ZONE FAR REGULATIONS: PER SDC TABLE 102-101.1 (1) (4) (M) LIMITED FAR IN NP-1 ZONE FOR COMMERCIAL AND RESIDENTIAL IS 1.5. PER SDC TABLE 102-101.1 (1) (4) (N) ADDITIONAL FAR BONUS FOR LEASING PARKING IS 1. MAX. ALLOWABLE FAR = 1.5 + 1 = 2.5

NP-1 ZONE COVERAGE REGULATIONS: PER SDC TABLE 102-101.1 (1) (4) (M) MAX. PROJECT IS LIMITED FROM LOT COVERAGE CALCULATIONS BECAUSE IT COMPLETELY SERVES OVER UNDERLYING PARCELS.

CV-1 ZONE FAR REGULATIONS: PER SDC TABLE 102-101.1 (1) (4) (M) THERE IS NO MAXIMUM FAR FOR RESIDENTIAL DEVELOPMENT. PER SDC TABLE 102-101.1 (1) (4) (N) MAX. RESIDENTIAL COMMERCIAL FAR IN CV-1 ZONE IS 1.5.

NP-1 ZONE - PROPOSED

COMMERCIAL (I, J, & K):	AREA (S.F.)
Ⓘ	4,200 S.F.
Ⓚ	4,200 S.F.
Ⓛ	5,000 S.F.
<b>COMMERCIAL GROSS BUILDING AREA TOTAL:</b>	<b>13,400 S.F.</b>
<b>SITE AREA IN NP-1 ZONE:</b>	<b>20,000 S.F.</b>
<b>COMMERCIAL F.A.R. = GBA / SITE AREA IN NP-1 ZONE:</b>	<b>0.67</b>

RESIDENTIAL (M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z):	AREA (S.F.)	USE	FINAL CONDITION:
Ⓜ	2,345	RESIDENTIAL	TO REMAIN
Ⓝ	1,628	RESIDENTIAL	TO REMAIN
Ⓟ	5,000	RESIDENTIAL	TO REMAIN
Ⓡ	13,247	RESIDENTIAL	NEW
Ⓢ	2,198	RESIDENTIAL	NEW
<b>RESIDENTIAL GROSS BUILDING AREA TOTAL:</b>	<b>18,418 S.F.</b>		
<b>SITE AREA IN NP-1 ZONE:</b>	<b>20,000 S.F.</b>		
<b>RESIDENTIAL F.A.R. = GBA / SITE AREA IN NP-1 ZONE:</b>	<b>0.97</b>		

TOTAL FAR FOR NP-1 ZONE: 0.67 + 0.97 = 1.22

NP-1 ZONE - PROPOSED

COMMERCIAL (I, J, & K):	AREA (S.F.)
Ⓘ	4,200 S.F.
Ⓚ	1,754 S.F.
Ⓛ	4,200 S.F.
<b>COMMERCIAL GROSS BUILDING AREA TOTAL:</b>	<b>10,154 S.F.</b>
<b>SITE AREA IN NP-1 ZONE:</b>	<b>20,000 S.F.</b>
<b>COMMERCIAL F.A.R. = GBA / SITE AREA IN NP-1 ZONE:</b>	<b>0.51</b>

CV-1 ZONE - PROPOSED

RESIDENTIAL (M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z):	AREA (S.F.)	USE	FINAL CONDITION:
Ⓜ	158,004	RESIDENTIAL	NEW
Ⓝ	2,117	RESIDENTIAL	NEW
<b>RESIDENTIAL GROSS BUILDING AREA TOTAL:</b>	<b>160,121 S.F.</b>		
<b>SITE AREA IN CV-1 ZONE:</b>	<b>20,000 S.F.</b>		
<b>RESIDENTIAL F.A.R. = GBA / SITE AREA IN CV-1 ZONE:</b>	<b>8.01 (NOT DICTATED IN CV-2 ZONE)</b>		

BUILDING TAG:	AREA (S.F.):	USE:	FINAL CONDITION:
Ⓘ	4,200	COMMERCIAL	TO REMAIN
Ⓚ	158,004	RESIDENTIAL	NEW
Ⓛ	1,754	COMMERCIAL	NEW
Ⓜ	2,117	RESIDENTIAL	NEW
Ⓝ	4,200	COMMERCIAL	TO REMAIN

TOTAL FAR FOR CV-1 ZONE: 0.51 + 8.01 = 8.52

OVERALL FLOOR AREA RATIO - PROPOSED			
<b>GROSS SITE AREA:</b>	40,000 S.F.	<b>NET SITE AREA:</b>	40,000 S.F.
<b>COMMERCIAL (I, J, &amp; K):</b>	10,154 S.F.	<b>RESIDENTIAL (M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z):</b>	179,539 S.F.
Ⓘ	5,000 S.F.	Ⓜ	2,345 S.F.
Ⓚ	8,400 S.F.	Ⓝ	1,628 S.F.
Ⓛ	1,754 S.F.	Ⓟ	13,247 S.F.
Ⓛ	15,154 S.F.	Ⓡ	2,198 S.F.
<b>OVERALL COMMERCIAL GROSS BUILDING AREA:</b>	<b>15,154 S.F.</b>	Ⓢ	158,004 S.F.
<b>OVERALL COMMERCIAL F.A.R. = OVERALL COMMERCIAL GBA / GROSS SITE AREA:</b>	<b>0.38</b>	Ⓣ	2,117 S.F.
		<b>OVERALL RESIDENTIAL GROSS BUILDING AREA:</b>	<b>179,539 S.F.</b>
		<b>OVERALL RESIDENTIAL F.A.R. = OVERALL RESIDENTIAL GBA / GROSS SITE AREA:</b>	<b>4.49</b>

PROJECT AREA CALCULATIONS



Prepared By: ARK ARCHITECTS, INC.  
 Name: 11855 SORRENTO VALLEY ROAD  
 Address: SUITE "A"  
 SAN DIEGO, CA 92121  
 Phone #: (858) 792-5897

Project Address: 403 THORN STREET, 3251 4TH AVENUE, 3225 4TH AVENUE, 3230 5TH AVENUE & 3252 5TH AVENUE, SAN DIEGO, CA  
 Project Name: FIFTH @ THORN  
 Condominiums

Legal Description: Please refer to legal description table on title sheet.  
 Sheet Title: A01a PROJECT AREA CALCULATIONS

- Revision 14: \_\_\_\_\_
- Revision 13: \_\_\_\_\_
- Revision 12: \_\_\_\_\_
- Revision 11: \_\_\_\_\_
- Revision 10: \_\_\_\_\_
- Revision 9: \_\_\_\_\_
- Revision 8: \_\_\_\_\_
- Revision 7: \_\_\_\_\_
- Revision 6: \_\_\_\_\_
- Revision 5: \_\_\_\_\_
- Revision 4: 04/15/08
- Revision 3: 09/17/08
- Revision 2: 10/30/07
- Revision 1: 10/08/08

Original Date: 06/09/08

Sheet 02 of 60 sheets

# 5TH @ THORN CONDOMINIUMS

## 5TH @ THORN LLC.





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A02	ZONING ENVELOPMENT STUDY 1"=20'-0"
A03	PROPOSED SITE PLAN - ROOF LEVEL 1"=20'-0"
A03a	EXISTING SITE PLAN - ROOF LEVEL 1"=20'-0"
A04	PHOTOGRAPHIC SURVEY NTS
A05	P4 LEVEL PLAN 1"=10'-0"
A06	P3 LEVEL PLAN 1"=10'-0"
A07	P2 LEVEL PLAN 1"=10'-0"
A08	STREET LEVEL PLAN 1"=10'-0"
A09	2ND LEVEL PLAN 1"=10'-0"
A10	3RD LEVEL PLAN 1"=10'-0"
A11	4TH LEVEL PLAN 1"=10'-0"
A12	5TH LEVEL PLAN 1"=10'-0"
A13	6TH LEVEL PLAN 1"=10'-0"
A14	7TH LEVEL PLAN 1"=10'-0"
A15	8TH LEVEL PLAN 1"=10'-0"
A16	9TH & 10TH LEVELS PLAN 1"=10'-0"
A17	11TH LEVEL PLAN 1"=10'-0"
A18	12TH LEVEL PLAN 1"=10'-0"
A19	13TH LEVEL PLAN 1"=10'-0"
A20	14TH LEVEL PLAN 1"=10'-0"
A21	ROOF PLAN 1"=20'-0"
A22	CONCEPTUAL SITE SECTIONS 1/8"=1'-0"
A23	UNIT PLANS 1/8"=1'-0"
A24	UNIT PLANS 1/8"=1'-0"
A25	UNIT PLANS 1/8"=1'-0"
A26	IMMEDIATE VICINITY SURVEY NTS
A27	SITE ELEVATION NORTH 1"=20'-0"
A27a	STREETWALL RELIEF ELEVATION NORTH 1"=20'-0"
A28	SITE ELEVATION EAST 1"=20'-0"
A28a	STREETWALL RELIEF ELEVATION EAST 1"=20'-0"
A29	SITE ELEVATION SOUTH 1"=20'-0"
A29a	STREETWALL RELIEF ELEVATION SOUTH 1"=20'-0"
A30	SITE ELEVATION WEST 1"=20'-0"
A30a	STREETWALL RELIEF ELEVATION WEST 1"=20'-0"

SHEET INDEX	
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A32	CONCEPTUAL VIEWS NTS
A33	CONCEPTUAL VIEWS NTS
A34	CONCEPTUAL VIEWS NTS
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A36	CONCEPTUAL VIEWS NTS
A37	CONCEPTUAL VIEWS NTS
A38	CONCEPTUAL VIEWS NTS
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L503	LANDSCAPE PLAN-3RD, 5TH & 6TH FL. 1"=10'-0"
L504	LANDSCAPE PLAN-8TH FLOOR 1"=10'-0"
L505	LANDSCAPE PLAN-13TH & 14TH FLOOR 1"=10'-0"
L506	LANDSCAPE-TREE REMOVAL PLAN 1"=10'-0"
L507	LANDSCAPE CALCULATION SHEET NTS



SITE DATA	
ADDRESS:	63 THORN STREET, 3251 4TH AVENUE, 3225 4TH AVENUE, 3230 5TH AVENUE & 3252 5TH AVENUE SAN DIEGO, CA.
ZONING:	CY-1 ZONE (COMMERCIAL VILLAGE 150'-0" HEIGHT LIMIT, MINIMUM SITE COVERAGE 20%) ON 3225 5TH AVE. & NP-1 ZONE (NEIGHBORHOOD PROFESSIONAL 50'-0" HEIGHT LIMIT 60'-0" IF OVER ENCLOSED PARKING, MINIMUM COVERAGE 20% - MAXIMUM 50%) 403 THORN STREET & 3251 4TH AVENUE.
LOT AREA (COMBINED):	40,000 S.F. (0.92 ACRES)
A.P.N.:	452-555-25, 452-555-26, 452-555-27, 452-555-28, 452-555-29, 452-555-30, 452-555-33 and 452-555-34

LOT COVERAGE (BP)	
CY-1 ZONE	NP-1 ZONE
(COMMERCIAL VILLAGE 150'-0" HEIGHT LIMIT, MINIMUM SITE COVERAGE 20%)	(NEIGHBORHOOD PROFESSIONAL 50'-0" HEIGHT LIMIT 60'-0" IF OVER ENCLOSED PARKING)
20,000 S.F. X 20 / 100 = 4,000 S.F. MINIMUM REQUIRED	NE-1 ZONE COVERAGE REGULATIONS
15,813 S.F. COVERAGE PROVIDED (77.56%)	12,171 S.F. (60.9%) COVERAGE PROVIDED

NUMBER OF UNITS	Parcel Area (sq. ft.)	Zoning	Density 1 Unit/s. sq.ft.	Number of Units
ALLOWABLE UNITS				
Total Combined Square Footage of All Parcels Subject to SDP	40,000			
Base Units (Combined Parcels)				
3230 Fifth Avenue	15,000	CY-1	400	36
403-411 Thorn and 3225-3246 Fourth Avenue	15,000	NP-1	400	26
3230 Fifth Avenue	5,000	CY-1	400	13
3225 Fourth Avenue	5,000	NP-1	400	6
Total Allowable Units				81
Plus Bonus Density for Affordable Units*			20%	17
Total Units with Bonus Density				98
NUMBER OF UNITS PROPOSED				100

**DEVELOPMENT SUMMARY**

**PROJECT DESCRIPTION:**  
A 100 UNIT CONDOMINIUM PROJECT, 14 STORY, RESIDENTIAL MULTI-FAMILY MID-RISE BUILDING WITH COMMUNITY ROOM, SHOPKEEPER UNITS AND STREET LEVEL FOUR STORY TOWNHOMES FACING FOURTH AVENUE OVER THREE STORES TYPE I SUBTERRANEAN PARKING LOCATED ON A 0.92 ACRE SITE IN UPTOWN SAN DIEGO.

<b>OCCUPANCY GROUP:</b>	TYPE I OVER THREE STORIES OF TYPE I SUBTERRANEAN CONCRETE PARKING STRUCTURE
<b>CONSTRUCTION TYPE:</b>	R-1 RESIDENTIAL S-3 PARKING GARAGE
<b>EXISTING USES:</b>	403-411 Thorn Street 5,950 of office building built 1948 3230 Fifth Avenue 8,400 of office built in 1981 3252 Fifth Avenue 10,000 of office built in 1959 3235 - 3255 Fourth Avenue 12,800 of 4 various smaller buildings built from 1927 to 1935 (designated historical resources HRB # 828) 3225 Fourth Avenue 5,000 of SFR used as an office built in 1913
<b>PROPOSED USES:</b>	RESIDENTIAL/COMMERCIAL
<b>YEAR OF CONSTRUCTION:</b>	SEE ABOVE

**LEGAL DESCRIPTION**

**PARCEL 1:**  
LOTS "A", "B", "C", "D", "E", "F", "G", "H" & "I" IN BLOCK 385 HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L. L. LOCKING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

**PARCEL 2:**  
LOT "D" IN BLOCK 385 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L. L. LOCKING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

**PARCEL 3:**  
LOT "I" IN BLOCK 385 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L. L. LOCKING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

**UNIT SCHEDULE (NET UNIT AREAS)**

UNIT	DESCRIPTION	UNIT AREA (S.F.)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTAL	MIX %	TOTAL AREA BY UNIT TYPE (S.F.)
A1	1 BR/1 BA	662															18	18	11,916
B1	2 BR+DEN/2.5 BA	1977	1	2	1	2	2	2	2	2	2	2	2	2	2	2	3	3	5913
B4	2 BR+DEN/1.5 BA	1303		2	2	2	2	2	2	2	2	2	2	2	2	2	22	22	25686
B5	2 BR/2.5 BA	1401		2	2	2	2	2	2	2	2	2	2	2	2	2	22	22	30922
B6	2 BR+DEN/1.5 BA	1504		2	2	2	2	2	2	2	2	2	2	2	2	2	8	8	12032
B7	2 BR+DEN/1.5 BA	1428	1	1	1	1	1	1	1	1	1	1	1	1	1	1	11	11	15708
BH1	2 BR+DEN/2.5 BA	1829															4	4	7432
(b) (7) (B) RELEASE 3021-0312 (b) (7) (B) TOTAL OF 1 AFFORDABLE UNIT - 1/2 BR @ 301 & 1/2 UNIT @ 2ND LEVEL (b) (7) (B) RELEASE 3021-0312 (b) (7) (B) TOTAL OF 1 AFFORDABLE UNIT - 1/2 BR @ 301 & 1/2 UNIT @ 2ND LEVEL																			
BH2	2 BR+DEN/2.5 BA	1994															2	2	3988
BK1	2 BR/2.5 BA	2162	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1	1	2162
BK2	2 BR/2.5 BA	2162	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1	1	2162
BK3	2 BR/2.5 BA	2439	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1	1	2439
BH1	1 1/2 BR+DEN/1.5 BA	2102															2	2	4204
BH2	1 1/2 BR+DEN/1.5 BA	1860															2	2	3720
BH3	1 1/2 BR/2.5 BA	1626															1	1	1626
BH4	1 1/2 BR/2.5 BA	2345															1	1	2345
UNIT TOTAL (PER FLOOR)			4	1/2	3	5	1/2	2	1/2	2	7	8	8	8	8	8	4	100	1308
TOTAL																			140,226.00

**PARKING CALCULATIONS**

REQUIRED PARKING CALCULATIONS		TOTAL OF 28 STALLS HAVE BEEN REQUIRED TO ACCOMMODATE EXISTING OFFICE					
STANDARD PARKING (1 BEDROOM)	1.25 SPACES PER UNIT X 18 = 22.5 STALLS						
STANDARD PARKING (2 BEDROOM)	1.75 SPACES PER UNIT X 76 = 133 STALLS						
STANDARD PARKING (3 BEDROOM)	2.5 SPACES PER UNIT X 5 = 12.5 STALLS						
COMMERCIAL USE (1,754 S.F.)	2.1 SPACES PER 1,000 S.F. X 2 = 7 STALLS						
EXISTING OFFICE USE (6,300 S.F.)	1.5 SPACES PER 1,000 S.F. X 10 = 15 STALLS						
TOTAL		165	STALLS (ONLY 13 ADDITIONAL STALLS NEED TO BE PROVIDED)				
PROVIDED PARKING / STORAGE TOTALS							
LEVEL	STANDARD	TANDEM	HCAP	VAN SPACES	MOTORCYCLE	BICYCLE	STORAGE
P1	2	0	0	0	2	12	0
P2	54	0	0	1	4	44	37
P3	54	10	2	0	4	0	51
P4	48	26	2	0	4	0	12
TOTALS	168	40	4	1	18	58	100
TOT. PARK	203						

**VICINITY MAP**



**PROJECT CALCULATIONS (PROPOSED CONDITION)**

NET SITE AREA:	20,000 S.F.	NET SITE AREA:	20,000 S.F.
NET RESIDENTIAL AREA:	15,383 S.F.	NET RESIDENTIAL AREA:	123,141 S.F.
COMMUNITY & EXERCISE:	4,756 S.F.	COMMUNITY & EXERCISE:	4,756 S.F.
STORAGE & SERVICES:	6,837 S.F.	STORAGE & SERVICES:	6,837 S.F.
GROSS BUILDING AREA (NOT INCLUDING THE GARAGE):	17,220 S.F.	GROSS BUILDING AREA (NOT INCLUDING THE GARAGE):	159,768 S.F.
GARAGE AREA ABOVE GRADE:	2,198 S.F.	GARAGE AREA ABOVE GRADE:	2,117 S.F.
GARAGE AREA BELOW GRADE:	45,672 S.F.	GARAGE AREA BELOW GRADE:	46,314 S.F.
TOTAL GARAGE AREA:	47,870 S.F.	TOTAL GARAGE AREA:	48,431 S.F.

EFFICIENCY CALCULATION	
CORRIDOR & SUPPORT AREA	25,097 S.F.
NET AREA (RESIDENTIAL, COMMERCIAL)	140,286 S.F.
COMMUNITY & EXERCISE:	4,756 S.F.
STORAGE & SERVICES:	6,837 S.F.
EFFICIENCY = NET AREA / COMMON AREA	86%

OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED PER LDC SECTION 143.0310 (C3)	6,386 S.F.
OPEN SPACE @ STREET LEVELS	1,380 S.F.
OPEN SPACE @ COMMON TERRACES	16,542 S.F.
OPEN SPACE @ BALCONIES	4,464 S.F.
OPEN SPACE @ CLUBHOUSE	30,781 S.F.
TOTAL OPEN AREA PROVIDED	53,153 S.F.

HEIGHT CALCULATIONS	
STRUCTURE HEIGHT ALLOWED AT CY-1 ZONE	150'
STRUCTURE HEIGHT PROPOSED AT CY-1 ZONE	150'
STRUCTURE HEIGHT ALLOWED AT NP-1 ZONE	60'
STRUCTURE HEIGHT PROPOSED AT NP-1 ZONE	57'-6"

**PROJECT TEAM**

**ARCHITECT:**  
ARK ARCHITECTS, INC.  
11855 SORRENTO VALLEY RD.  
SUITE A  
SAN DIEGO, CA 92121  
(858) 792-5997

**CIVIL ENGINEER:**  
Aaron Parker  
Design Engineer  
SBA  
aaron@abohits.com  
5990 Ruffin Road, Suite 120  
San Diego, CA 92123  
858-560-1141  
858-560-0157 fax

**LANDSCAPING:**  
Rob Strass, RLA, ASLA  
Senior Project Manager  
Gillespie Moody Patterson, Inc. (GMP)  
9404 Ganssaw Ave., Suite 140  
San Diego, CA 92123  
tel: (619) 558-8977  
fax: (619) 558-9188  
www.gmpinc.com

**REQUESTED DEVIATIONS:**

- DEVIATION FROM SDMC SECTION 1512.0310 (B) (7) (B) REGARDING STREET WALL HEIGHT.
- DEVIATION FROM SDMC SECTION 1512.0310 (B) (2) (A) REGARDING STREET YARD REQUIREMENTS.
- DEVIATION FROM SDMC SECTION 1512.0312 (C) (3) REGARDING OFFSETTING PLANES PROPORTIONS.
- DEVIATION FROM SDMC SECTION 1512.0312 (B) (2) REGARDING TRANSPARENCY REQUIREMENT.

**SCOPE OF WORK:**

- SITE DEVELOPMENT PERMIT  
- TENTATIVE MAP CERTIFICATION  
- 3235 FOURTH AVE. & 3255 FOURTH AVE. ARE DESIGNATED HISTORICAL RESOURCES (HRB # 828).

**HISTORIC NOTES:**

3235 FOURTH AVE. & 3255 FOURTH AVE. ARE DESIGNATED HISTORICAL RESOURCES (HRB # 828). DETAILED HISTORIC TREATMENT PLANS ARE TO BE PROVIDED PRIOR TO OBTAINMENT OF THE BUILDING AND/OR GRADING PERMIT, AS BOTH PERMITS WILL BE CONDITIONED ACCORDINGLY.

Prepared By:	ARK ARCHITECTS, INC.	Revision 14:	
Name:	11855 SORRENTO VALLEY ROAD	Revision 13:	
Address:	SUITE "A"	Revision 12:	
	SAN DIEGO, CA 92121	Revision 11:	
Phone #:	(858) 792-5997	Revision 10:	
		Revision 9:	
Project Address:	403 THORN STREET, 3251 4TH AVENUE, 3225 4TH AVENUE, 3230 5TH AVENUE & 3252 5TH AVENUE, SAN DIEGO, CA	Revision 8:	
		Revision 7:	
Project Name:	FIFTH @ THORN Condominiums	Revision 6:	
		Revision 5:	05/03/10 (PARTIAL REVISION)
Legal Description:	Please refer to legal description table on title sheet.	Revision 4:	04/15/09
		Revision 3:	09/17/08
Sheet Title:	A01 SITE INFORMATION & SCHEDULE	Revision 2:	10/30/07
		Revision 1:	10/26/06

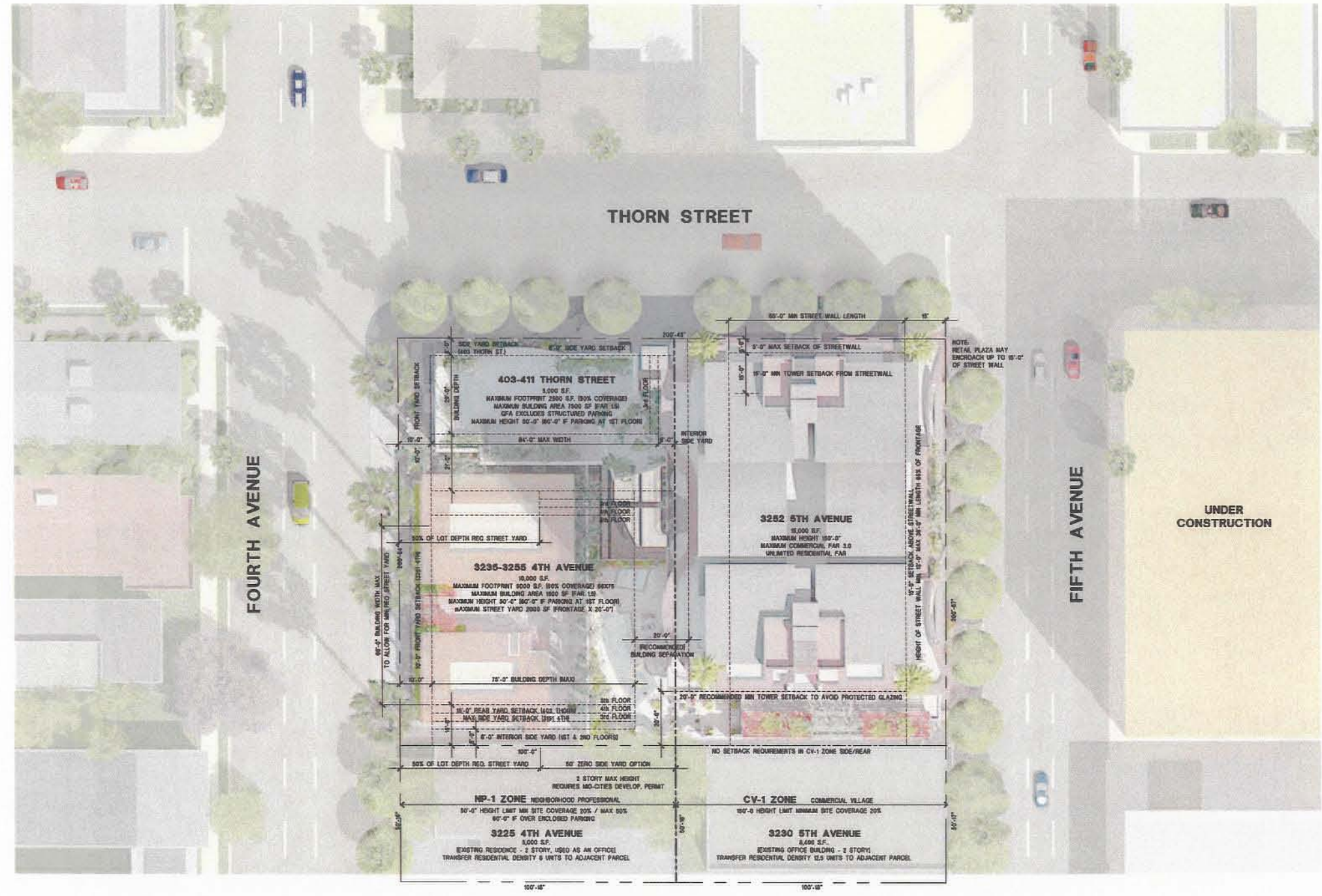
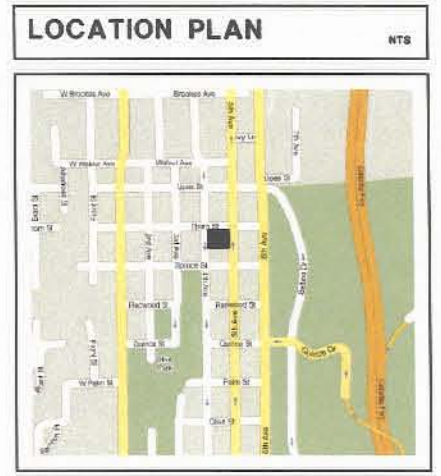
Original Date: 06/09/06  
Sheet 01 of 60 sheets

5TH @ THORN LLC  
11855 SORRENTO VALLEY ROAD  
SAN DIEGO, CA 92121  
TEL: (858) 792-5997  
FAX: (858) 560-0157  
WWW.5TH@THORN.COM

**5TH @ THORN CONDOMINIUMS**  
**5TH @ THORN LLC.**







**ZONING ENVELOPMENT STUDY**

①

Prepared By: ARK ARCHITECTS, INC.  
 Name: 11855 SORRENTO VALLEY ROAD  
 Address: SUITE "A"  
 SAN DIEGO, CA 92121  
 Phone #: (858) 792-5997

Project Address:  
 403 THORN STREET, 3231 4TH AVENUE, 3225 4TH AVENUE,  
 3230 5TH AVENUE & 3252 5TH AVENUE, SAN DIEGO, CA

Project Name: FIFTH @ THORN  
 Condominiums

Legal Description: Please refer to legal description table on title sheet.

Sheet Title: A02  
 ZONING ENVELOPMENT STUDY

Revision 14:	_____
Revision 13:	_____
Revision 12:	_____
Revision 11:	_____
Revision 10:	_____
Revision 9:	_____
Revision 8:	_____
Revision 7:	_____
Revision 6:	_____
Revision 5:	_____
Revision 4:	04/15/09
Revision 3:	05/17/08
Revision 2:	10/30/07
Revision 1:	10/09/06

Original Date: 06/09/06

Sheet 03 of 60 sheets

**5TH @ THORN CONDOMINIUMS**  
**5TH @ THORN LLC.**

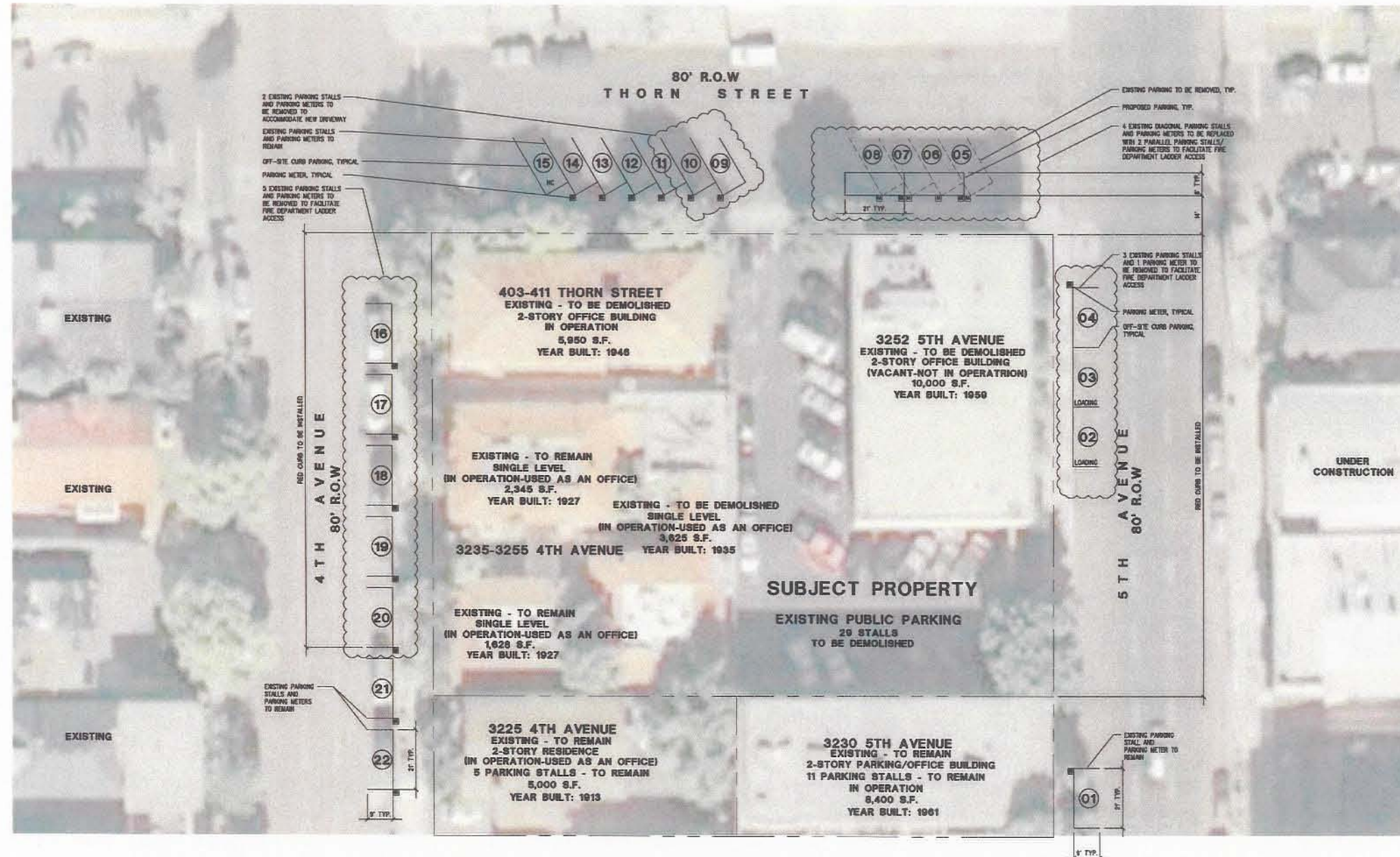








LOCATION PLAN NTS



ON-SITE PARKING:

EXISTING ON-SITE PARKING TOTAL: 45 STALLS  
 PROPOSED ON-SITE PARKING TOTAL: 16 STALLS TO REMAIN (5+11)  
 29 STALLS TOTAL LOSS

PROPOSED ON-SITE 16 PARKING STALLS THAT ARE TO REMAIN ARE LOCATED IN 3225 4TH AVENUE AND 3230 5TH AVENUE (EXISTING OFFICE BUILDINGS). 29 ON-SITE PARKING STALLS THAT ARE TO BE LOST ARE LOCATED IN EXISTING PUBLIC PARKING LOT THAT IS TO BE DEMOLISHED.

NOTE: TOTAL OF 29 STALLS HAVE BEEN REQUIRED TO ACCOMMODATE 2,900 S.F. OF EXISTING OFFICE SPACE. 13 ADDITIONAL STALLS NEEDED ARE GOING TO BE PROVIDED ON P2 PARKING LEVEL.

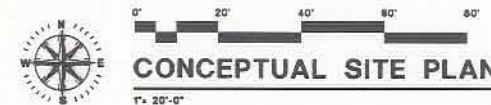
CURB (OFF-SITE) PARKING:

EXISTING CURB (OFF-SITE PARKING) & METERS TOTAL: 22 STALLS, 19 METERS  
 PROPOSED CURB (OFF-SITE PARKING) & METERS TOTAL: 10 STALLS, 9 METERS  
 12 STALLS & 10 METERS TOTAL LOSS

12 STALLS & 10 METERS TOTAL LOSS:

- 3 STALLS & 1 METER @ 5th AVENUE
- 5 STALLS & 5 METERS @ 4th AVENUE
- 4 STALLS & 4 METERS @ THORN STREET

NOTE: TOTAL OF 8 PARALLEL STREET PARKING & 6 METERS ON 4TH AND 5TH ARE TO BE REMOVED TO FACILITATE FIRE DEPARTMENT LADDER ACCESS TO THE BUILDING. 4 DIAGONAL PARKING STALLS AND 4 METERS ON THORN STREET ARE TO BE REMOVED AND REPLACED WITH 2 PARALLEL PARKING STALLS & METERS TO FACILITATE FIRE DEPARTMENT LADDER ACCESS TO THE BUILDING. 2 DIAGONAL PARKING STALLS AND 2 METERS ON THORN STREET ARE TO BE REMOVED TO ACCOMMODATE NEW DRIVEWAY.



CONCEPTUAL SITE PLAN - EXISTING CONDITION (ROOF PLAN) 1

Prepared By: ARK ARCHITECTS, INC.  
 Name: 11655 SORRENTO VALLEY ROAD  
 Address: SUITE "A"  
 SAN DIEGO, CA 92121  
 Phone #: (658) 792-5897

Project Address: 403 THORN STREET, 3251 4TH AVENUE, 3225 4TH AVENUE, 3230 5TH AVENUE & 3252 5TH AVENUE, SAN DIEGO, CA

Project Name: FIFTH @ THORN  
 Condominiums

Legal Description: Please refer to legal description table on title sheet.

Sheet Title: A03c  
 CONCEPTUAL SITE PLAN- EXISTING CONDITION  
 ROOF PLAN

Revision 14:	_____
Revision 13:	_____
Revision 12:	_____
Revision 11:	_____
Revision 10:	_____
Revision 9:	_____
Revision 8:	_____
Revision 7:	_____
Revision 6:	_____
Revision 5:	04/15/08
Revision 4:	08/17/08
Revision 3:	10/30/07
Revision 2:	10/09/06
Revision 1:	_____

Original Date: 06/09/06

Sheet 05 of 60 sheets

5TH @ THORN CONDOMINIUMS  
 5TH @ THORN LLC.







SITE PHOTO 01



SITE PHOTO 02



SITE PHOTO 03



SITE PHOTO 04

Prepared By: ARK ARCHITECTS, INC.  
 Name: 11855 SORRENTO VALLEY ROAD  
 Address: SUITE "A"  
 SAN DIEGO, CA 92121  
 Phone #: (858) 792-5997

Project Address:  
 403 THORN STREET, 3251 4TH AVENUE, 3226 4TH AVENUE,  
 3230 5TH AVENUE & 3252 5TH AVENUE, SAN DIEGO, CA

Project Name: FIFTH @ THORN  
 Condominiums

Legal Description: Please refer to legal description table on U/Ie sheet.

Sheet Title: A04  
 PHOTOGRAPHIC SURVEY

Revision 14:	_____
Revision 13:	_____
Revision 12:	_____
Revision 11:	_____
Revision 10:	_____
Revision 9:	_____
Revision 8:	_____
Revision 7:	_____
Revision 6:	_____
Revision 5:	_____
Revision 4:	04/15/08
Revision 3:	08/17/08
Revision 2:	10/30/07
Revision 1:	10/09/06

Original Date: 06/09/06

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PHOTOGRAPHIC SURVEY

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5TH @ THORN CONDOMINIUMS

5TH @ THORN LLC.

NOT TO SCALE  
 DATE: 06/09/06  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**ARK**  
 ARCHITECTS, INC.  
 11855 SORRENTO VALLEY ROAD  
 SUITE "A"  
 SAN DIEGO, CA 92121  
 (858) 792-5997