



64A-003B

1222 First Avenue, San Diego, CA 92101-4154

Project Information

Project Nbr: 207289

Title: MELENDEZ AUTO SALES



Project Mgr: Mezo, Renee

(619) 446-5001

rmezo@sandiego.gov

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: Neighborhood Code	Cycle Distributed: 05/06/2010	
Reviewer: Maillet, Karen (619) 533-6127	Assigned: 05/07/2010	
Hours of Review: 1.00	Started: 05/10/2010	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 06/04/2010	
	Completed: 05/10/2010	
	Closed:	

The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
 The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
 The reviewer has requested more documents be submitted.
 The reviewer has not signed off 1 job.

New Issue Group (1237082)

Give them
the use
No the
trailers
are an
expansion

if they add FAR by 1.1
it triggers plan/LAS.

Didn't have
never got
permit
deep regs of
zone when
established
use

send
BOB
cancel
issues
- he'll
talk to
Kelly on
Friday



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1222 First Avenue, San Diego, CA 92101-4154

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: BDR-Structural	Cycle Distributed: 05/06/2010	
Reviewer: Shadyab, Mehdi (619) 446-5067	Assigned: 05/06/2010	
Hours of Review: 2.00	Started: 05/06/2010	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 06/04/2010	
	Completed: 05/07/2010	
	Closed:	

- . The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
- . The reviewer has requested more documents be submitted.
- . Your project still has 16 outstanding review issues with BDR-Structural (all of which are new).

Preliminary Review Comments

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	No Rechecks: Please be advised that the issues stated herein are preliminary and are advisory in nature. Their purpose is to give the design consultants an advanced notice of issues which have to be corrected and/or addressed when plans are submitted for the ministerial review. Plans for recheck of issues under this preliminary review need not be submitted and recheck will not be performed. (New Issue)
<input type="checkbox"/>	2	Scope of review: Please be advised that the scope of this review is limited to a discretionary plan review and or the specific questions asked. The plans, drawings and reports have NOT been reviewed for the purpose of issuing a building permit. A comprehensive and complete review will be performed by City staff when a complete set of construction document drawings and reports are submitted for the purpose of ministerial review and for obtaining a building permit. The comments stated herein are advisory and are for information only. (New Issue)
<input type="checkbox"/>	3	Designer's responsibility: It is the responsibility of the architect or engineer of record to assure that all the requirements of the latest adopted edition of the CBC, as well as other regulations and ordinances of the City of San Diego are satisfied and incorporated in the plans, specifications and structural calculations. (New Issue)
<input type="checkbox"/>	4	Not a complete list: The following comments are only a partial list of issues discovered as a result of this discretionary review and responses to the specific questions asked. They are NOT to be construed as a complete list of corrections or a complete list of issues. (New Issue)
<input type="checkbox"/>	5	2007 California Building Codes: The current California construction codes are the 2007 California Building Code (based on 2006 IBC), the 2007 California Electrical Code (based on the 2005 NEC), the 2007 California Plumbing Code (based on the 2006 UPC by IAPMO), the 2007 California Mechanical Code (based on the 2007 UMC by IAPMO) and the 2007 California Fire Code (based on the 2006 IFC). The following comments are based on the aforementioned codes. (New Issue)
<input type="checkbox"/>	6	City of San Diego Building Code Amendments: Construction permit applications submitted on or after January 1, 2008, are required to comply with the new State of California building codes, as well as adopted local amendments published in the San Diego Municipal Code. (New Issue)
<input type="checkbox"/>	7	Disabled accessibility: The proposed project [the site, buildings, parking, path of travel, storage, etc.] must be accessible by disabled persons and must comply with the applicable provisions set forth in Chapter 11B of the governing California Building Code. (New Issue)
<input type="checkbox"/>	8	ADA Regulations: This jurisdiction has no legal authority to enforce and/or review plans for construction projects for compliance with ADA requirements. ADA requirements are strictly enforced by the Civil Rights Section of the Department of Justice of the Federal Government. This jurisdiction however has the legal authority to enforce the requirements of the State of California, Title 24, Disabled Access requirements. The architect of record is responsible to assure that the proposed project is in compliance with these Federal regulations as well as California Title 24 requirements. (New Issue)
<input type="checkbox"/>	9	Accessible route of travel: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall to the maximum extent feasible, coincide with the route for the general public. [Sec. 1114B.1.2]. (New Issue)
<input type="checkbox"/>	10	Site Disabled Accessibility: Access shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones if provided, and public streets or sidewalks. [Sec. 1127B.1]. Show path of travel for disabled access to all buildings on this site. (New Issue)
<input type="checkbox"/>	11	Site plan: Walks and Sidewalks: On site plan show required width, running slope and cross slope, slip resistant surface, etc. for the disabled accessible path of travel from the public sidewalk to all entrances and exits.[Sec. 1127B.2, 1114B.1, 1133B.7 for Walks and Sidewalks]. (New Issue)
<input type="checkbox"/>	12	Accessible Parking Space: On site plan show accessible parking sapace in accordance with the requirements set forth in Section 1129B. (New Issue)

r questions regarding the 'BDR-Structural' review, please call Mehdi Shadyab at (619) 446-5067. Project Nbr: 207289 / Cycle: 2



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<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	13	FAA-Part 77-Noticing Requirements: Due to the height and proximity of the proposed project to <Brown Field & NOLF Imperial Beach>, your project must be submitted to the Federal Aviation Administration (FAA) for Obstruction Evaluation and Airport Airspace Analysis as required by the Code of Federal Regulations Title 14 Part 77, Subpart B to ensure that the structure will not be an obstruction or hazard to air navigation. The following is a link to the FAA website for submitting projects (form 4760-1) to the FAA: www.oaaaa.faa.gov . (New Issue)
<input type="checkbox"/>	14	FAA-Part 77, Contd.: FAA-Part 77, Contd.: Also, refer to Information Bulletin 520 for additional information. The City will not require notification to the FAA if a professional, licensed by the state of California complies with the self-certification requirements set forth under Section III. You may find this Info Bulletin on the Department web page at http://www.sandiego.gov/development-services/ . Look for the 'FAA Notification' tab on the right hand side of the screen. (New Issue)
<input type="checkbox"/>	15	Please be advised, a building permit will NOT be issued until FAA has cleared the issue associated with the height of the proposed building or, a professional, licensed by the state of California complies with the self-certification provision set forth under Section III of Information Bulletin 520 . (New Issue)
<input type="checkbox"/>	16	Commercial Coach: Identify on plans whether the commercial coach bears a decal showing approval by the State of California. If yes, provide commercial coach drawings (floor plan, foundation plan, details and specifications) bearing the approval stamp and expiration date of the State of California agency. The City's Field Inspector will verify the State approved decal on the commercial coach at the time of scheduled inspection. If not, complete construction drawings need to be submitted. (New Issue)



THE CITY OF SAN DIEGO
Development Services

1222 First Avenue, San Diego, CA 92101-4154

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Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: Plan-Facilities Financing	Cycle Distributed: 05/06/2010	
Reviewer: Galvez III, Oscar (619) 533-3685	Assigned: 05/07/2010	
	Started: 05/24/2010	
Hours of Review: 1.00	Review Due: 06/04/2010	
Next Review Method: Submitted (Multi-Discipline)	Completed: 05/24/2010	
	Closed:	

The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
 The reviewer has requested more documents be submitted.
 Your project still has 2 outstanding review issues with Plan-Facilities Financing (all of which are new).

➤ Impact Fees

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	A Development Impact Fee (DIF) is required at building permit issuance based on increased square footage over what currently exists on the site. The currently adopted San Ysidro DIF rate for non-residential development is \$350 per trip and \$23/1,000 gross square feet for fire. In addition, a Housing Trust Fund (HTF) impact fee on non-residential development is required for this project and is due at the time of building permit issuance. This fee is based on a rate of \$1.06 per sf for office use, \$.64 per sf for retail/restaurant use and \$.27 per sf for storage use. (New Issue)
<input type="checkbox"/>	2	Fees are subject to change upon Council approval of an update to the Public Facilities Financing Plan and/or at the beginning of the new fiscal year (July 1), requiring developer's verification of fees prior to finalization of the building permit process. Contact: Oscar Galvez III, Facilities Financing Project Manager (619) 533-3685. (New Issue)



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Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: LDR-Landscaping	Cycle Distributed: 05/06/2010	
Reviewer: Spindell, Glenn (619) 446-5353	Assigned: 05/06/2010	
	Started: 05/18/2010	
Hours of Review: 12.00	Review Due: 06/04/2010	
Next Review Method: Submitted (Multi-Discipline)	Completed: 06/04/2010	
	Closed:	

The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
 The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
 The reviewer has requested more documents be submitted.
 Your project still has 17 outstanding review issues with LDR-Landscaping (all of which are new).
 The reviewer has not signed off 1 job.

Applicable Regulations

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	San Ysidro Planned District [SDMC 1518.0103]: the provisions of Chapter 14, Article 2, Division 4 (City-wide Landscaping Regulations) apply to this development. These regulations should be used as a minimum standard per the San Ysidro Community Plan. Please review the San Ysidro Community Plan for additional landscape requirements and recommendations. (New Issue)
<input type="checkbox"/>	2	Adjacency: the subject property is commercially-zoned (CSR-2;) and abuts properties to the north side which are zoned residential. Where commercial development abuts a residential zone, a 5-foot wide planting area along the entire abutting property line shall be provided (SDMC 142.0405[c][3]). The San Ysidro Community Plan recommends using dense and/or thorny plantings in such locations as a means of crime prevention i.e. discouraging hiding places and graffiti. (New Issue)
<input type="checkbox"/>	3	Planting Areas and Points: a point score in excess of that required for a yard area may be used to reduce the planting area required for that yard area at a rate of one square foot of area reduction for each excess point provided. The maximum planting area reduction allowed by this section is 25 percent of that total yard area required. At least one-half of the planting points required for the planting areas shall be achieved with trees. (New Issue)
<input type="checkbox"/>	4	All of the required street yard planting area located outside the vehicular use area may consist of hardscape or unattached unit pavers. This does not include the minimum planting area required for trees. (New Issue)

Project Submittal Requirements

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	5	Please refer to the Project Submittal Requirements, Section 4 [Development Permits/Approvals], Item 11, to address the following issues. (New Issue)
<input type="checkbox"/>	6	Existing Landscape: identify all existing trees [species, size]. Indicate 'To Remain' or 'To Be Removed'. (New Issue)
<input type="checkbox"/>	7	Show existing and proposed utilities and other non-structural site features, including underground [water, stormwater, sewer, gas] overhead [electric, telephone lines] and ground-mounted features [signage, utility pedestals, bus benches], consistent with the Site Plan. (New Issue)

Street Yard

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	8	Calculation of Street Yard: the Street Yard calculation requires revision. A portion of the Street Yard extends from the building to the property line fronting Smyth Ave. See SDMC 113.0267 for method of calculation. Review Staff calculates the Street Yard at 14,378 square feet. (New Issue)
<input type="checkbox"/>	9	Calculation of Street Yard [continued]: the landscape calculations provided propose approximately one third the planting area that would be required for a Street Yard in a commercial zone. This deviation from the Land Development Code requirements cannot be supported under the provisions of a Neighborhood Development Permit. Please review the provisions allowing for reduction of planting provided in this review. (New Issue)

Remaining Yard

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	10	Remaining Yard calculations: revisions to the Street Yard area result in a reduced area of Remaining Yard; staff calculates the remaining yard at 1609 square feet. Please revise accordingly. (New Issue)

Vehicle-Use Area

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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For questions regarding the 'LDR-Landscaping' review, please call Glenn Spindell at (619) 446-5353. Project Nbr: 207289 / Cycle: 2



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<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	11	Vehicular use area: means the area of a premises used for parking and vehicular traffic for all types of vehicles excluding covered parking structures or underground parking areas (SDMC 113.0103). The plans do not include all the vehicular use area on the premises. Revise the vehicular use area calculations to include the other two portions of the premises which are currently shown on plans. If changes to the three driveways (closures, relocations) are proposed or required, provide revisions to the Landcsape Plan accordingly. (New Issue)
<input type="checkbox"/>	12	Temporary Vehicle Use Area: please provide in the response letter the reason why calculations are provided for a temporary Vehicle Use Area. No such area is shown on the plans. (New Issue)
<input type="checkbox"/>	13	Vehicular Use Area: each parking space shall be no greater than 30 feet from a tree-planted area [15 feet if palms are used]. Please provide note accordingly. Although the plans, as currently presented, appear to meet this requirement in terms of distancing, the San Ysidro Community Plan recommends using larger canopy trees that have a mature height and spread of at least 30 feet. (New Issue)

Streetscape

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	14	Street Trees: the frontage of West San Ysidro Blvd is shown as 236 feet; revise the plans to provide a minimum of eight [8] broadheaded trees. (New Issue)
<input type="checkbox"/>	15	Areas within the public right-of-way that are not paved for required pedestrian walks or for vehicle access shall be planted or covered with mulch, unattached unit pavers or other permeable material acceptable to the City. Provide details on the plan that indicate the surface material for all areas within the undeveloped right-of-way. (New Issue)

Information Items

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	16	Requirements of Other Disciplines: any redesign or changes to the scope of the project due to requirements of other disciplines that may effect landscaping should be integrated with these comments upon resubmittal. (New Issue)
<input type="checkbox"/>	17	Links to referenced documents:

Project Submittal Requirements:
<http://www.sandiego.gov/development-services/industry/pdf/psmse4.pdf>

Landscape Regulations and Standards:
<http://www.sandiego.gov/development-services/industry/landscape.shtml>

San Ysidro Community Plan:
<http://www.sandiego.gov/planning/community/profiles/sanysidro/plan.shtml> (New Issue)



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1222 First Avenue, San Diego, CA 92101-4154

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: PUD-Water & Sewer Dev	Cycle Distributed: 05/06/2010	
Reviewer: Keshavarzi, Mahmood (619) 533-4692	Assigned: 05/10/2010	
Hours of Review: 2.00	Started: 06/02/2010	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 06/04/2010	
	Completed: 06/03/2010	
	Closed:	

The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
The reviewer has requested more documents be submitted.

➤ 1st Review

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	1	The public water and sewer facilities necessary to serve the project exist within the West San Ysidro Boulevard and Smythe Avenue rights-of-way adjacent to the project site. Therefore, the Water and Sewer Review Section identifies no issues with the proposed office and will not require any conditions in the permit based on this submittal. (New Issue)



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Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: LDR-Planning Review	Cycle Distributed: 05/06/2010	
Reviewer: Tripp, Bill (619) 446-5273	Assigned: 05/06/2010	
Hours of Review: 5.00	Started: 05/27/2010	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 06/04/2010	
	Completed: 06/04/2010	
	Closed:	

- . The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
- . The reviewer has requested more documents be submitted.
- . Your project still has 18 outstanding review issues with LDR-Planning Review (all of which are new).
- . The reviewer has not signed off 1 job.

Review 6.01.10

Project Scope

<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	1	The approximately 17,000 sq. ft. (0.39-acre) site is addressed as 225 W San Ysidro Blvd., and located between Smythe Ave. to the west and Cottonwood Rd. to the east, within the CSR-2 Zone of the San Ysidro Planned District and Community Plan Area. The site is also within the FAA Part 77 Noticing Area (Brown Field and NOLF Imperial Beach), San Ysidro Redevelopment Project Area, Residential Tandem Parking and Transit Area Overlay Zones. (New Issue)
<input type="checkbox"/>	2	The project includes a Neighborhood Development Permit (NDP), decision Process 2, to maintain a previously conforming auto sales use, and add a new 720 sq. ft. commercial coach/office, and maintain a 59.5 sq. ft. kiosk. Information indicates the existing use was established in 1987 without the required permits, when the property was zoned CA-RR, in which the use was permitted. In 1993, the property was rezoned to CSR-2 which does not permit the current use. This project is the subject of a Code Violation case due to non compliance with applicable development regulations. (New Issue)
<input type="checkbox"/>	3	NOTE - a NDP is NOT required, a NUP IS REQUIRED. The scope of work shall be updated to reflect this. Refer to LDC Sections 126.0201, 126.0203(b)(2). (New Issue)

Permits Required

<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	4	A Neighborhood USE Permit (NUP) is required by Land Development Code (LDC) Sections 127.0109 and 126.0203(b)(2), to allow expansion of a previously conforming use. (New Issue)
<input type="checkbox"/>	5	A San Ysidro Development Permit (SYD), decision Process 3, is also required per LDC Section 1518.0202(a) (6) for those projects which deviate more than 20% from the standards listed in Section 1518.0201(f), which pertain to ministerial/administrative review under decision Process 2. This Permit is processed as a Site Development Permit (SDP). Process 2 decisions are made at the staff level, whose decision may be appealed to the Planning Commission. Process 3 decisions are made by a Hearing Officer whose decision may be appealed to the Planning Commission. (New Issue)
<input type="checkbox"/>	6	The purpose and intent of the San Ysidro Planned District regulations is to provide reasonable development criteria for the construction or alteration of quality commercial and industrial development throughout the San Ysidro community. The intent is to implement the San Ysidro Community Plan through the use of the applied urban design standards contained in this implementing ordinance. (New Issue)
<input checked="" type="checkbox"/>	7	All discretionary permits will be processed concurrently under the same decision Process, per LDC Section 112.0103. (New Issue)

Permit Findings

NUP

<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
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Issue
Cleared? Num Issue Text

- 8 LDC Section Section 126.0205
 1. The proposed development will not adversely affect the applicable land use plan;
 2. The proposed development will not be detrimental to the public health, safety, and welfare; and
 3. The proposed development will comply with the applicable regulations of the Land Development Code.

(New Issue)

SYD/SDP

SYD

Issue
Cleared? Num Issue Text

- 9 LDC Section 1518.0202 (c)(1-4) -

(1) The proposed use and project design meet the purpose and intent of the San Ysidro Planned District Ordinance, comply with the recommendations of the San Ysidro Community Plan, and will not adversely affect the San Ysidro Community Plan, the General Plan or other applicable plans adopted by the City Council; (New Issue)
- 10 (2) The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable; (New Issue)
- 11 (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 property in the vicinity; and

(4) The proposed use will comply with the relevant regulations in the Municipal Code. (New Issue)

SDP

Issue
Cleared? Num Issue Text

- 12 LDC Section 126.0504 -
 1. The proposed development will not adversely affect the applicable land use plan;
 2. The proposed development will not be detrimental to the public health, safety, and welfare; and
 3. The proposed development will comply with the applicable regulations of the Land Development Code.

(New Issue)

Development Regulations

Issue
Cleared? Num Issue Text

- 13 Refer to LDC Sections 1518.0101 through 1518.0402 as applicable, including the additional applicable development regulations in Section 1518.0103.

LDC Section 1518.0301(a) specifies that the development regulations shall be those of the Southeastern San Diego Planned District, noted in LDC Section 1519.0304(c). (New Issue)
- 14 Yard (Setback) Requirements - LDC Section 1519.0304(c)(2), Table 1519-03I

CSR-2 Zone -

front yard (Smythe Ave.) - 0 ft, no issue

interior side yard (see footnote 1) - 15-ft required due to residential zoned property (RM-1-1) adjacent to the north - ISSUE - 5-ft indicated - demonstrate compliance on plans

street side yard (W San Ysidro Bl.) - 10-ft - demonstrate compliance on plans

rear yard - 0-ft

NOTE - Planning Review WILL NOT support deviations to any required setbacks (New Issue)



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<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	15	<p>Maximum Coverage, Height, and Floor Area Ratio - LDC Section 1519.0304(c)(3), Table 1519-03K</p> <p>Coverage = 50%, (17,263 sq. ft. x 0.50 = 8,631.5 sq. ft.; no issue)</p> <p>Height = no maximum, no issue</p> <p>FAR = 0.75, (17,263 sq. ft. x 0.75 = 12,947.25 sq. ft.; no issue) (New Issue)</p>
<input type="checkbox"/>	16	<p>Design Requirements - LDC Section 1519.0304(d)(1) - Offsetting Planes</p> <p>The particular facade, side or elevation of a building which faces the front and street side property line, shall have building variations in a minimum of 3 separate planes for up to 50% of horizontal building wall elevation. A separate building plane shall be provided for each additional 25-ft of building elevation or part thereof. A separate building plane is distinguished by a separate horizontal difference of 2-feet measured perpendicular to the subject plane.</p> <p>continued ... (New Issue)</p>
<input type="checkbox"/>	17	<p>No single plane shall total more than 50% or less than 20% of the building elevation area.</p> <p>Refer to Appendix B, Illustration 6.</p> <p>demonstrate compliance on plans</p> <p>THIS IS A SIGNIFICANT ISSUE and requires a deviation from the development regulations, and requires a Process 3 decision by the Hearing Officer.</p> <p>REFER TO THE PERMIT FINDINGS. Planning Review WILL NOT support deviations from the design requirements. (New Issue)</p>
<input type="checkbox"/>	18	<p>Design Requirements - LDC Section 1519.0304(d)(2) - Building Facade Variation -</p> <p>The particular face, side or elevation of the building which faces the front and street side property line, shall have building facade variations in a minimum of 3 separate materials, textures, colors, or any combination thereof. No single variation shall total less than 20% nor more than 50% of the building elevation area.</p> <p>demonstrate compliance on plans</p> <p>continued ... (New Issue)</p>
<input type="checkbox"/>	19	<p>THIS IS A SIGNIFICANT ISSUE and requires a deviation from the development regulations, and requires a Process 3 decision by the Hearing Officer.</p> <p>REFER TO THE PERMIT FINDINGS. Planning Review WILL NOT support deviations from the design requirements. (New Issue)</p>
<input type="checkbox"/>	20	<p>Premises that abut residentially zoned property - LDC Section 1519.0304(e) -</p> <p>Prior to the use or occupancy of any premises, a solid fence or wall not less than 6-feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned property; provided, however, that within any required front yard or street side yard such wall shall be reduced in height to 3-feet.</p> <p>SIGNIFICANT ISSUE - required on north side of site</p> <p>demonstrate compliance on plans (New Issue)</p>
<input type="checkbox"/>	21	<p>Fencing Requirements - LDC Section 1518.0401 -</p> <p>All fences constructed on site shall be of wrought iron, wood, concrete or other masonry materials.</p> <p>Also refer to LDC Sections 142.0301 through 142.0380. (New Issue)</p>
<input type="checkbox"/>	22	<p>Lighting - LDC Section 1519.0304(f) -</p> <p>Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.</p> <p>to be included as a Permit condition.</p> <p>include as a note on plans, Sheet A. (New Issue)</p>
<input type="checkbox"/>	23	<p>SIGNIFICANT ISSUE - Planning Review WILL NOT support the project as proposed, which includes a 720 sq. ft. commercial coach which does not comply with the design regulations of the current zone. (New Issue)</p>

Parking Regulations

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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For questions regarding the 'LDR-Planning Review' review, please call Bill Tripp at (619) 446-5273. Project Nbr: 207289 / Cycle: 2



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- | <u>Cleared?</u> | <u>Issue Num</u> | <u>Issue Text</u> |
|--------------------------|------------------|--|
| <input type="checkbox"/> | 24 | Refer to LDC Sections 142.0501 through 142.0560 as applicable -

(New Issue) |
| <input type="checkbox"/> | 25 | LDC Section 142.0510(e)(1) -

Off-street parking spaces shall not be located in any required front or street side yard except as otherwise provided in the particular zone.

Spaces must be located behind the 10-ft required street side yard adjacent to W San Ysidro Blvd. |
| <input type="checkbox"/> | 26 | demonstrate compliance on plans (New Issue)
Surface parking design regulations - LDC Section 142.0560(h) -

(1) All parking spaces, parking areas, loading areas, and driveways shall be surfaced with asphaltic concrete at least 2 inches in depth or its equivalent. |
| <input type="checkbox"/> | 27 | demonstrate compliance on plans (New Issue)
LDC Section 142.0560(h) -

(3) All surface parking facilities (including aisles and driveways) in a ... commercial ... zone containing five or more parking spaces shall be bounded by walls, solid fences, buildings, landscaping, or a combination of these whenever the parking area abuts residentially zone property along the side or rear property lines of the premises on which the parking area is located. All walls, buildings, and landscaping shall be in compliance with applicable setback and fence requirements.

demonstrate compliance on plans (New Issue) |

Community Plan

- | <u>Cleared?</u> | <u>Issue Num</u> | <u>Issue Text</u> |
|-------------------------------------|------------------|---|
| <input checked="" type="checkbox"/> | 28 | The San Ysidro Community Plan designates this site for community commercial land use (Figure 5). The current use of the site for automobile sales, although not permitted by the current underlying CSR-2 zone, is consistent with this designation. (New Issue) |
| <input checked="" type="checkbox"/> | 29 | The site is located within the "El Pueblito Viejo" Neighborhood, Fig 6 (southwesterly corner)

El Pueblito Viejo, a small neighborhood of circa 1920 homes, and the remaining portion of the historic Little Landers Colony from the turn-of-the-century, is located in the geographic center of San Ysidro, and has provided the community's small-scale, single-family, village character. (See Urban Form and Cultural and Historic Resources Elements.) This area consists primarily of single-family homes, several units on one lot, bungalow courts, and small-scale attached units.

continued ...
(New Issue) |
| <input checked="" type="checkbox"/> | 30 | Several large-scale multi family developments, on two or more consolidated lots, disrupt the character of this neighborhood. (New Issue) |
| <input checked="" type="checkbox"/> | 31 | Page 38 recommendation

3. Require discretionary review of development proposals to preserve and enhance this neighborhood's historic single-family, small-scale character, to provide for sensitive rehabilitation and redevelopment, and to ease the burden on strained and overcrowded public facilities and services. The design guidelines and recommendations listed in the Urban Form Element are to be used in the evaluation of proposed development. (New Issue) |



L64A-003B

Review Information

Cycle Type: 2 Submitted (Multi-Discipline) **Submitted:** 03/25/2010 Deemed Complete on 05/06/2010
Reviewing Discipline: LDR-Environmental **Cycle Distributed:** 05/06/2010
Reviewer: Benally, Rhonda **Assigned:** 05/06/2010
(619) 446-5468 **Started:** 06/04/2010
Hours of Review: 0.00 **Review Due:** 06/09/2010
Next Review Method: Submitted (Multi-Discipline) **Completed:** 06/08/2010
Closed:

- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: Partial Response to Cmnts/Regs.
- . The reviewer has requested more documents be submitted.
- . Your project still has 11 outstanding review issues with LDR-Environmental (all of which are new).
- . The reviewer has not signed off 1 job.

➤ Review 6/8/2010

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	The Environmental Analysis Section (EAS) has reviewed the project in accordance with the California Environmental Quality Act (CEQA). Additional information is required to determine if identified Historical Resources (Archaeology), and Paleontology would be considered significant. (New Issue)

➤ Project Scope

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	2	The project proposes to maintain a previously conforming auto sales use, and add a new 720-square-foot commercial coach/office on an approximately 17,000-square-foot (0.39 acre) site. In addition, the project also proposes to maintain a 59.5-square-foot kiosk. The project is located at 225 West San Ysidro Boulevard in the CSR-2 of the San Ysidro Community Plan, San Ysidro Redevelopment Project Area, Transit Area Overlay Zone, Residential Tandem Parking Overlay Zone, and Federal Aviation Administration (FAA) Part 77 Notification Area. (New Issue)

➤ Informational

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	3	Information indicates the existing use was established in 1987 without required permits, when the property was zoned CA-RR, in which the use was permitted. In 1993, the property was rezoned to CSR-2 which does not permit the current use. The project is subject of a Code Violation case due to non-compliance with applicable development regulations. (New Issue)

➤ Health and Safety

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	4	FAA Notification Area:

The proposed project is located in the Brown Field and Navy Outlying Landing Field (NOLF) Airports. Refer to LDR-Planning and BDR-Structural if an Federal Aviation Administration (FAA) Determination is required. If an FAA Determination is required provide a copy to EAS. (New Issue)

➤ Paleontology

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	5	According to the "Geology of the San Diego Metropolitan Area, California," the subject property is underlain by Bay Point Formation. The Bay Point Formation has been assigned as high resource potential for paleontological resources. The Site Plan (Sheet 3 of 7) states "No Grading is required," however it appears some excavation may be involved for a proposed project including a 6'-0" high solid fence. In addition, LDR-Engineering has indicated that the Site Plan needs to be revised to show the existing and proposed grading contours. (New Issue)
<input type="checkbox"/>	6	(Continued)

The City of San Diego's CEQA Significance Determination Thresholds states if grading/excavation for the proposed project are to exceed 1,000 cubic yards of soil at a depth of cut of 10 feet or greater then there is potential for significant impacts to paleontological resources, and monitoring will be required. Please quantify (in cubic yards) the total amount of grading/excavation and the depth of cut involved for proposed project. Refer to LDR-Engineering for additional information. (New Issue)



64A-003B

1222 First Avenue, San Diego, CA 92101-4154

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	7	(Continued)

Until this information is provided EAS is not able to determine if paleontological monitoring would be required. (New Issue)

➤ Historical Resources (Archaeol

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	8	The project is located in a high sensitivity area for archaeological resources. Please note any ground disturbance activities may potentially impact significant archaeological resources. EAS will consult with City staff to determine if further archaeological analysis (i.e. report, testing and/or monitoring) will be required. (New Issue)

➤ Water Quality

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	9	LDR-Engineering has indicated a Water Quality Technical Report is required. Refer to LDR-Engineering for additional comments. Provide a copy of WQTR to EAS staff in your next submittal. (New Issue)

➤ Plans

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	10	Please clarify the length of retaining wall proposed and provide a symbol in the legend. (New Issue)

➤ New Issue Group (1248741)

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	11	Please note additional environmental issues may arise as the review progresses. (New Issue)



L64A-003B

1222 First Avenue, San Diego, CA 92101-4154

Review Information

Cycle Type: 2 Submitted (Multi-Discipline) **Submitted:** 03/25/2010 Deemed Complete on 05/06/2010

Reviewing Discipline: LDR-Engineering Review **Cycle Distributed:** 05/06/2010

Reviewer: Bui, Thomas **Assigned:** 05/07/2010

(619) 446-5458 **Started:** 06/04/2010

Hours of Review: 5.00 **Review Due:** 06/04/2010

Next Review Method: Submitted (Multi-Discipline) **Completed:** 06/04/2010

Closed:

The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.

The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.

The reviewer has requested more documents be submitted.

Your project still has 22 outstanding review issues with LDR-Engineering Review (all of which are new).

The reviewer has not signed off 1 job.

1st Review Comments

Cleared?	Issue Num	Issue Text
<input type="checkbox"/>	1	Transportation Development section will address the allowable number of driveways for the project site. (New Issue)
<input type="checkbox"/>	2	Revise the Storm Water Requirements Applicability Checklist to check "Yes" on item# 9 of Part A since the project is proposed to have at least 15 parking spaces. (New Issue)
<input type="checkbox"/>	3	The subject development is a priority project which requires the applicant to submit a Water Quality Technical Report in accordance with the Appendix D of the City's Storm Water Standards. The report shall include, but not be limited to how Low Impact Development (LID) and Source Control BMPs have been incorporated to the project, selection and calculations regarding the numeric sizing treatment standards, BMP maintenance schedules and maintenance costs and the responsible party for future maintenance and associated costs. (New Issue)
<input type="checkbox"/>	4	In addition, include the selection of Treatment BMPs and calculations regarding the numeric sizing treatment standards, BMP maintenance schedules and maintenance costs and the responsible party for future maintenance and associated costs. (New Issue)
<input type="checkbox"/>	5	The report will also need to address water quality, by describing the type of pollutants which will be generated during post construction, the pollutants to be captured and treated by the proposed BMPs and the quality of the resultant discharge.
		The Storm Water Standards are available online at : http://www.sandiego.gov/development-services/news/pdf/stormwatermanual.pdf (New Issue)
<input type="checkbox"/>	6	Revise the site plan, sheet A2, to show the dedication of a 5-foot wide right-of-way, along the project frontage on Smythe Avenue, and adjacent to the curb return located at the northeast corner of Smythe Avenue and West San Ysidro Boulevard to provide a minimum of 10 foot wide curb to propertyline distance. (New Issue)
<input type="checkbox"/>	7	Revise the site plan to show the replacement of the existing driveways with City standard driveways, on West San Ysidro Boulevard, to provide the sidewalk transitions to be consistent with Standard Drawing G-14A. (New Issue)
<input type="checkbox"/>	8	Revise the site plan to show the replacement of the existing curb ramp with City standard curb ramp with truncated domes, located at the northeast corner of Smythe Avenue and West San Ysidro Boulevard. Remove any obstacle(s) from the back of the curb ramp to provide adequate landing. (New Issue)
<input type="checkbox"/>	9	Revise the site plan to call out the removal of the existing curb from Smythe Avenue and West San Ysidro Boulevard right-of-way. The parkway shall have a minimum of 1.5 percent slope. (New Issue)
<input type="checkbox"/>	10	Revise the cover sheet to remove the "Owner's Certificate Standard Single Family Residential Project for Post Construction BMPs" notes right below note #6 of the Storm Water BMP's. (New Issue)
<input type="checkbox"/>	11	Revise the site plan to include the following two notes: Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications. (New Issue)
<input type="checkbox"/>	12	Prior to the issuance of any construction permit, 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. (New Issue)
<input type="checkbox"/>	13	Revise the site plan to show existing and proposed grading contours, finished pad elevation, earthwork quantities, and maximum height of cut/fill slope. Identify the source of the topographic information. Show drainage patterns for the site as well as the collection/discharge points for all site drains. In addition, show the location of all proposed treatment BMPs. (New Issue)

Draft Conditions

For questions regarding the 'LDR-Engineering Review' review, please call Thomas Bui at (619) 446-5458. Project Nbr: 207289 / Cycle: 2



64A-003B

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	14	Prior to the issuance of any building permit, the Owner/Permittee shall dedicate an additional 5-foot wide right-of-way, along the project frontage on Smythe Avenue, to provide a minimum of 10 feet curb to propertyline distance, satisfactory to the City Engineer. (New Issue)
<input type="checkbox"/>	15	Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of any non-utilized driveway with City standard curb, gutter and sidewalk, on West San Ysidro Boulevard, satisfactory to the City Engineer. (New Issue)
<input type="checkbox"/>	16	Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveways, on West San Ysidro Boulevard, with City standard driveways to provide adequate sidewalk transitions, satisfactory to the City Engineer. (New Issue)
<input type="checkbox"/>	17	Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond removal of the existing curb, slopes, etc., from West San Ysidro right-of-way, to provide a minimum of 1.5 percent slope within the parkway, satisfactory to the City Engineer. (New Issue)
<input type="checkbox"/>	18	Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer. (New Issue)
<input type="checkbox"/>	19	Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications. (New Issue)
<input type="checkbox"/>	20	Prior to the issuance of any construction permit, 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. (New Issue)
<input type="checkbox"/>	21	Prior to the issuance of any construction permit, 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, consistent with the approved Water Quality Technical Report. (New Issue)
<input type="checkbox"/>	22	All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer. (New Issue)



THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-003B

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: Fire-Plans Officer	Cycle Distributed: 05/06/2010	
Reviewer: Carter, Ron (619) 446-5449	Assigned: 06/01/2010	
Hours of Review: 0.50	Started: 06/01/2010	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 06/04/2010	
	Completed: 06/01/2010	
	Closed:	

The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
The reviewer has requested more documents be submitted.

Fire Dept issues (1st review)

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	1	No corrections or issues based on this submittal. (New Issue)



64A-003B

1222 First Avenue, San Diego, CA 92101-4154

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 03/25/2010	Deemed Complete on 05/06/2010
Reviewing Discipline: Community Planning Group	Cycle Distributed: 05/06/2010	
Reviewer: Mezo, Renee (619) 446-5001	Assigned: 06/04/2010	
Hours of Review: 0.00	Started: 06/04/2010	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 06/04/2010	
	Completed: 06/04/2010	
	Closed:	

The review due date was changed to 06/09/2010 from 06/09/2010 per agreement with customer.
 The reviewer has requested more documents be submitted.
 Your project still has 1 outstanding review issues with Community Planning Group (all of which are new).

➤ 1st Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	Please contact the Chair for the San Ysidro Planning and Development Group, David Flores, at (619) 428-1115 to make arrangements to present your project for review at their next available meeting. This Community Planning Group is officially recognized by the City as a representative of the community, and an advisor to the City in actions that would affect the community. The Development Services Department has notified the group of your request and has sent them a copy of your project plans and documents. (New Issue)

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Tolling Agreement between the City of San Diego, Earl H. Maas, III, Patricia W. Maas, and Johnson Communities of Southern California LLC.

The City of San Diego, a municipal corporation (hereinafter "CITY"), appearing through its attorney, Michael J. Aguirre, City Attorney, by Bryan Ziegler, Deputy City Attorney, and Earl H. Maas III and Patricia W. Maas (hereinafter "MAAS"); and Johnson Communities of Southern California LLC, (hereinafter, "JOHNSON") by and through their attorney Brian Fish, enter into the following agreement with the intent of resolving all issues related to alleged actions that are more fully described in the attached Exhibit A and B to this agreement (Draft Complaint and Notice of Violation, hereinafter referred to as "Matters"). This Stipulation and Resolution is effective upon the signature of all parties identified below.

1. The Parties wish to avoid the burden and expense of litigation, and have decided to compromise and settle their differences in accordance with this Tolling agreement. Neither this agreement nor any of the statements or provisions contained herein shall be deemed to constitute an admission or an adjudication of any of the allegations of any party.

2. The City of San Diego, believes it has certain viable actions against MAAS and JOHNSON; MAAS believes they have certain viable actions against CITY. Each party believes they have defenses to each of the claims submitted by the other party.

PROPERTY DESCRIPTION

3. The property subject to this agreement consists of one parcel of land located at 6739 Rancho Toyon Place [PROPERTY], in the City and County of San Diego, State of California.

4. The legal description of the PROPERTY, which is identified by the records of the San Diego County Recorder's Office as Assessor Parcel Number 308-180-22, is as follows:

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The Easterly 400 feet of the Southerly 495 feet of the Southeast Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the United States Government Survey thereof.
EXCEPT THEREFROM the Easterly 200 feet of the Southerly 200 feet thereof.

- 5. The PROPERTY is an approximate 3.6 acre vacant undeveloped parcel.
- 6. The PROPERTY is located in the AR-1-2 Residential Zone

AGREED UPON ACTIONS

7. JOHNSON had the erosion control plan, attached hereto as Exhibit "C," prepared ("Erosion Control Plan"). The CITY and MAAS have reviewed and approved the same and agree that JOHNSON may implement the attached on the Property as (a) the Erosion Control Plan does not create habitat where none is indicated in the attached document, previously marked as exhibit 4 to MAAS's 2002 submission to the City; (b) no permits are required for the performance of the work provided for therein. CITY acknowledges and agrees that upon completion of the work required by the Erosion Control Plan, JOHNSON will have satisfied all obligations related to bond # ____ ("Bond") and the CITY shall release the same. JOHNSON agrees to commence and complete the work required by the Erosion Control Plan within 30 days of the date of this Tolling Agreement.

8. Within 60 days from the date of this Tolling Agreement, MAAS shall either: **OPTION 1**-Submit a Grading Application for the Restoration of Unauthorized Grading Permit and Restoration of Native Habitat; **OR OPTION 2**-Submit an application for a Site Development Permit, and a Grading Plan for the development of the Property, subdividing the property in question. Said Site Development Permit shall provide for the removal of the North-South road traversing the Western edge of the MAAS property, if permitted by the appropriate agencies.

9. In the event Development Services Department [DSD] requests corrections to MAAS' plans, then within 60 days from the date of any such request, MAAS shall resubmit their corrected plans to DSD.

10. Within 120 days from the date of approval of the submittal under Option 1 or Option 2, MAAS shall implement those measures described in the approved Plan, and obtain all

1 necessary inspections and final approval from DSD for implementation of the Plan.

2 11. In computing the above described time periods, times when MAAS or JOHNSON
3 are precluded from acting due to government agency requirements or permits, environmental
4 concerns, rain or act of God shall not be included in the time computation. For example, should
5 permits be granted at a time where implementation of the Plan would be prohibited or burdensome
6 due to nesting season of wildlife or other concerns, those days during which the implementation
7 did not go forward would not be considered as part of the time limitation.

8 12. If at any time DSD denies **OPTION 2**, MAAS may then resubmit a complete set of
9 plans in conformance with **OPTION 1**. All required inspections and approvals shall be obtained
10 within 120 days of the 2nd submittal.

11 13. If at any time DSD denies both **OPTION 1 and OPTION 2**, or DSD denies either
12 **OPTION 1 or OPTION 2** and MAAS elects not to pursue the other option, this agreement shall
13 terminate and all claims, actions, or defenses available to MAAS and the CITY as of the effective
14 date of this agreement, shall become once again operative and MAAS and the CITY may proceed
15 with their claimed action or defense against each other. Notwithstanding anything to the contrary
16 in this Agreement, the parties agree that regardless of what transpires between MAAS and the
17 CITY with respect to this agreement or the Matters that upon payment of the amounts set forth in
18 Sections 15 and 16 below and completion of the work provided for in Section 7 above, JOHNSON
19 shall be deemed fully and forever released and discharged from any and all liability or obligation
20 with respect to this agreement and all claims, allegations, actions or damages arising out of or
21 related to the Matters.

22 14. Defendants shall allow Inspectors from the City of San Diego access to all outdoor
23 areas on the Property to inspect and take photographs, for the purpose of normal monitoring of
24 Defendant's compliance with the terms and conditions of this tolling agreement:

- 25 a. Time: 9:00 a.m. - 4:00 p.m. Monday through Friday;
- 26 b. Notice: Forty-Eight hours is required (actual verbal notice to MAAS is
27 sufficient, voice mail is not).

28

1 **MONETARY RELIEF**

2 15. On the date this agreement is signed, JOHNSON shall pay the City of San Diego
3 investigative costs in the amount of \$2,211.06.

4 16. Within ten (10) days of the completion of the work required by Sections 7-10
5 above, and the CITY acceptance of the same and release on the Bond, MAAS shall pay to the
6 City of San Diego \$10,000.00 as full and final settlement of all matters between the parties.

7 17. All payments required under Paragraph 15 and 16 above shall be in the form of a
8 cashier's check, payable to the "City Treasurer." Said payments shall be delivered to the Office of
9 the City Attorney, Code Enforcement Unit, 1200 Third Avenue, Suite 500, San Diego, California
10 92101-4103, Attention: Bryan Ziegler.

11 18. In the event of default by Defendant as to any amount due, the whole amount due
12 shall be deemed immediately due and payable as penalties to the City of San Diego.

13 19. By signing this Tolling Agreement, the parties admit that they have personal
14 knowledge of each and every term and condition of this Tolling Agreement, as set forth herein.
15 Service by mail shall constitute sufficient notice for all purposes. Upon full completion of the
16 actions, permits and requirements of the respective parties as set forth herein, all actions between
17 the parties shall be deemed resolved and any such actions will be barred thereafter.

18 Dated: 9/24, 2007

MICHAEL J. AGUIRRE, City Attorney

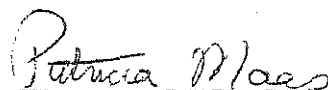
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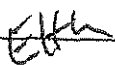
Bryan Ziegler
Deputy City Attorney

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23 Dated: 9/15, 2007


Earl H. Maas, III

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26 Dated: 9/17, 2007


Patricia Maas



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Dated: 9/24, 2007

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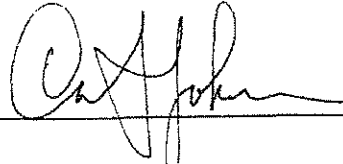
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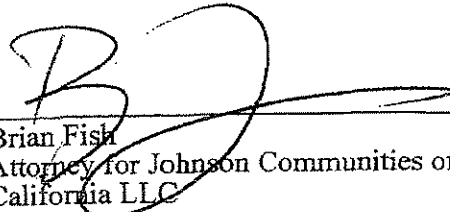
Patricia W. Maas

JOHNSON COMMUNITIES OF SOUTHERN CALIFORNIA

By 

Name: Court Johnson

Title: Manager


Brian Fish
Attorney for Johnson Communities of Southern California LLC