



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 4, 2015 **REPORT NO.** PC-15-079

**ATTENTION:** Planning Commission, Agenda of June 18, 2015

**SUBJECT:** THE REGENT ON FIFTH - PROJECT NO. 335870  
PROCESS FOUR

**OWNERS:** Neo Romax, Incorporated, AJT Mandarin, LLC, a California Limited Liability Company

**APPLICANT:** AJT Mandarin, LLC, a California Limited Liability Company

### SUMMARY

**Issues:** Should the Planning Commission approve the development of 41 residential condominiums with ground-floor retail at 2604 Fifth Avenue within the Uptown Community Plan Area?

### Staff Recommendations:

1. **Certify** Mitigated Negative Declaration No. 335870, **Adopt** the Mitigation Monitoring and Reporting Program (MMRP); and
2. **Approve** Site Development Permit No. 1177933 and Vesting Tentative Map No. 1177934.

**Community Planning Group Recommendation:** At the July 1, 2014, meeting of the Uptown Community Planning Group, the project was approved by a vote of 13-0-1, with no recommendations (Attachment 10).

**Environmental Review:** Mitigated Negative Declaration No. 335870 has been prepared for the project in accordance with the State of California Environmentally Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a below a level of significance, any potential impacts identified in the environmental review process.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid by the applicant.

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

**Housing Impact Statement:** The Uptown Community plan designates the 0.69-acre site for Office-Residential with High Residential 44-73 dwelling units per acre (0.34 acres) and Commercial-Residential with Very High Residential 73-110 dwelling units per acre. According to the community plan, maximum densities would be allowed through parcel accumulation. Based on the project's site area and consolidation of lots, 40 to 62 dwelling units would be allowed on site. The proposal of a mixed-use development consisting of 41 dwelling units, ground floor commercial-retail would implement the land use designation. The project as proposed would result in the demolition of an existing restaurant and creation of 41 multi-family residential units within the Uptown Community. No affordable housing units are proposed with this project and the project would pay the in-lieu fee to comply with the Affordable Housing Regulations.

## **BACKGROUND**

The 0.69-acre project site is located at 2604 Fifth Avenue, at the northwest corner of Fifth Avenue and 406 Maple Street in the NP-1 (Neighborhood Professional) and the CV-1 (Commercial Village) Zones of the Mid-City Communities Planned District Ordinance, the Airport Approach, Residential Tandem Parking, Federal Aviation Authority (FAA) Part 77 and the Transit Area Overlay Zones within the Uptown Community Plan. The project site was within the Interim Height Ordinance which was codified within the Municipal Code per Section 1512.0205 and discussed under the Site Development Permit section of this report.

The project site is located in a developed area within the eastern portion of the Bankers Hill neighborhood of the Uptown community. Surrounding uses include an office building and restaurant to the south; the Britt Scripps House and St. Paul's Community Care Center to the west; a small market to the east; and a small apartment building, retail, and residential uses to the north. In addition, to the southeast of the project is Park Laurel, a development consisting of two 14-story condominium towers with ground-floor office and retail space. To the immediate northeast, a 45-unit condominium project is under construction. Balboa Park is located one block to the east.

In order to calculate density (as further described in the Project Description on page 3), the Owner and the Applicant have entered into a private agreement to transfer the density from 406 Maple Street (directly to the west) to the subject property at 2604 Fifth Avenue. This agreement has been recorded on both properties.

The 406 Maple Street site contains the historic Britt Scripps House, identified as Historic Resources Board Site #52. The structure (the Mandarin House Restaurant) located at 2604 Fifth Avenue will be demolished as part of this action and was cleared as non-historic by staff on June 7, 2012.

The project site encompasses a total of 30,000 square feet; however, the project would be developed entirely on the 2604 Fifth Avenue parcel (15,000 square feet). There is no development proposed on the Britt Scripps House property. Topographically, the project site is relatively flat, with elevations ranging from 262 feet above mean sea level to 267 feet above mean sea level.

## **DISCUSSION**

### **Project Description:**

The project proposes a 10-story, 125-foot-high, 41-unit residential condominium building with ground-floor retail space and subterranean parking. A Vesting Tentative Map is required for the creation of condominiums and a Site Development Permit is required to allow deviations for setbacks, offsetting planes, and glazing percentage as further described below, as well as being within the Area B (south of Upas). The project as proposed would require a Process Four, Planning Commission decision with appeal rights to the City Council.

As stated in the Background information above, the site comprises two sites: one, at 406 Maple Street (15,000 square feet) within the NP-1 Zone and one, at 2604 Fifth Avenue (15,000 square feet) within the CV-1 Zone. Both properties are being used to calculate the density for the proposed development. The allowable dwelling units for 406 Maple Street is 25 units based on one unit per 600 square feet. The allowable dwelling units for the 2604 Fifth Avenue is 38 units based on one unit per 400 square feet. A maximum of 63 dwelling units are allowed when combining both sites and 41 units are proposed.

The total area of the proposed building, including the two levels of subterranean parking with 75 parking spaces, would be approximately 137,000 square feet. The first above-grade level would include approximately 1,400 square feet of retail space, a two-story lobby entrance, a fitness center, and an entrance to the parking garage off Maple Street. Floors two through nine would accommodate between four and six residential units per floor, with the tenth floor being an extension of two of the ninth-floor penthouse units. The total area of the residential units would be approximately 91,000 square feet. The project has been conditioned to comply with the City-wide Affordable Housing Regulations and the applicant has elected to pay the in-lieu fee.

The project proposes a design that is modern in architectural form, simplified with an emphasis on rectangular, horizontal, and vertical lines and a stepped roof. The modern design of the building would utilize glass, painted concrete and metal; offsets are incorporated into the design to break up the building wall mass on all elevations with various superficial elements such as railing and balconies. In addition, an existing billboard on the north end of the property would be removed.

The minimum parking requirement for the proposed project is 75 parking spaces within the transit and tandem area overlay zones with two accessible parking spaces, four motorcycle and 21 bicycle spaces. The project proposes to provide 75 on-site parking spaces (20 spaces in tandem configuration), with two accessible parking spaces, six motorcycle and 22 bicycle spaces on-site. In addition the applicant is also providing 14 compact parking spaces which does not count towards their required parking.

Proposed street improvements include closing the two existing driveways off Fifth Avenue, adding a new driveway on Maple Street, creating an enhanced entry paving on the sidewalk near the lobby entrance, and providing an additional off-street parking space (although not required).

The entire area would be graded with an approximate excavation of 2,400 cubic yards at a maximum depth of 19 feet to allow for construction of the subterranean parking. Landscaping would include adding ornamental trees along the sidewalk on Fifth Avenue, replacing ornamental trees on Maple Street, adding ornamental trees around the second floor patio areas, and adding green screen vine trellises on the west side of the building between the first and second floors. The project would use drought tolerant vegetation to meet current water use requirements. Utility services would be provided through existing utility infrastructure in the surrounding area.

The project is located within the Airport Approach and Federal Aviation Authority (FAA) Part 77 Overlay Zones for the San Diego International Airport (Lindbergh Field). The project received a determination of no hazard from the FAA on December 11, 2013 which expires on June 11, 2015. On May 29, 2015, an extension was granted until November 29, 2016. In addition, the project has been conditioned to comply with the FAA and Airport approach regulations per the San Diego Municipal Code.

### **Community Plan Analysis:**

The Uptown Community plan designates the 0.69-acre site for Office-Residential with High Residential 44-73 dwelling units per acre (0.34 acres) and Commercial-Residential with Very High Residential 73-110 dwelling units per acre. Both land use designations would allow general commercial, office, or residential development. Mixed-use development is also encouraged. According to the community plan, maximum densities would be allowed through parcel accumulation. Based on the project's site consolidated lot area, 40 to 62 dwelling units would be allowed on site. The proposal of a mixed-use development consisting of 41 dwelling units ground floor commercial-retail would implement the land use designation.

The proposed project would implement various recommendations and guidelines in the Urban Design Element. As proposed, the project would implement the recommendation for encouraging commercial services to locate on transit corridors such as Fifth Avenue, First Avenue and Fourth Avenue that link Uptown to Centre City by incorporating 1,400 square feet of commercial space within the proposed mixed-use project. Additionally, the plan recommends that that multi-family development should incorporate wall texture variations, façade off-sets, upper floor setbacks and the utilization of varied roof forms. To meet this guideline the proposed project would include a 14-foot step back above the first floor along the western elevation of the project and incorporate a "green screen" consisting of lavender and red trumpet vine to break up the texture of the western building façade facing the adjacent Britt-Scripps structure.

The Urban Design Element also recommends as a guideline that patios, balconies, courtyards, pools, and other recreational amenities should be required for all residential projects to maximize useable open space.

The project would include outdoor patios/balconies for each unit of the project and area dedicated to an onsite fitness facility would be provided for future residents of the project.

The proposed project would meet the objective in the Urban Design Element for increasing the quality and quantity of landscaping in the public right-of-way through the incorporation of drought tolerant ground covers and shrubs as well as 36-inch box Jacaranda street trees along Fifth Avenue and Maple Street along with decorative tree grates.

The proposed project is located along Fifth Avenue which is identified in the community plan as a Class III bikeway. A goal of the Mobility Element of the General Plan is to encourage bicycling as a viable travel choice within the City. The project would assist in attaining this goal by providing 22 bicycle spaces. The Transportation Element of the community plan recommends that off-street parking should be placed underground and/or screened from the public right-of-way and adjacent residences. The proposed project would implement this recommendation by enclosing all off-street parking within two levels of underground parking. Additionally, the project would utilize an existing curb-cut/driveway along Maple Street for parking access and close two existing driveways along Fifth Avenue to meet the plans recommendation of the plan restricting curb-cuts and entrances to off-street parking areas so that conflicts between pedestrian and vehicle traffic are minimized.

Policy NE-A.4 of the Noise Element of the General Plan requires an acoustical study consistent with Acoustical Study Guidelines (Table NE-4 of the General Plan) for proposed developments in areas where the existing or future noise level exceeds or would exceed the “compatible” noise level thresholds as indicated on the Land Use – Noise Compatibility Guidelines (Table NE-3 of the General Plan), so that noise mitigation measures can be included in a development project’s design to meet noise guidelines. According to Table NE-3, a proposed mixed-use project within an exterior noise exposure level of 60 and up to 70 CNEL would be “conditionally compatible” and must attenuate exterior noise to an indoor noise level of 45 CNEL.

An acoustical report prepared for the proposed project evaluated traffic levels on Fourth, Fifth Avenue, Maple Street, and noise aircraft associated with the San Diego International Airport in relation to the proposed project. The acoustical report indicates that the building face of the proposed project would be exposed to a traffic noise level of 64.9 CNEL and that ultimate noise level from aircraft are estimated at 47.5 CNEL. The result is a combined noise level of 65 CNEL. According to Table NE-3 of the General Plan, proposed projects having a noise level of 65 CNEL are “conditionally compatible” and must be capable of attenuating exterior noise to an indoor level of 45 CNEL. Based on calculations performed as part of the noise study, a minimum noise reduction of 24 dB would be achieved. Therefore, the project would meet the City’s 45 CNEL interior noise standard without building upgrades. Additionally, outdoor balcony areas of dwelling units facing the streets would include 4-foot high glass walls to attenuate exterior noise to below 65 CNEL, and as a result mitigation measures would not be required for outdoor areas.

The project proposes several deviations regarding upper-story setbacks, offsetting plane requirements, and the required proportion of vision glass or reflective spandrel construction along the eastern façade.

The Uptown Community Plan does not provide specific recommendations regarding these particular development requirements, except for encouraging upper-story step backs to assist in addressing transitions and scale between new and existing development which the proposed project would incorporate. Despite these deviations, as proposed, the project would be consistent with the Uptown Community Plan and overall policies for mixed-use development related to the Land Use, Urban Design, Mobility, and Noise Elements contained in the General Plan, therefore the project would not adversely impact the applicable land use plans.

### **Vesting Tentative Map:**

The project requires a Vesting Tentative Map per San Diego Municipal Code (SDMC) Section 125.0401 to create one commercial condominium (for the retail space) and 41 residential condominiums. According to SDMC Section 125.0440, Findings for Tentative Maps, the decision maker may approve the proposed subdivision if it complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

The project has been conditioned to ensure that all existing onsite utilities as well as any new utility services serving the site will be undergrounded with the appropriate permits.

### **Site Development Permit:**

A Process Four, Mid-City Communities Development Permit (MCCDP) is required for development located south of the centerline of Upas Street in Area B, as designated on Figure 1512-03A of Community Plan. The proposed structure is 125 feet in height. Additional findings are required and are further discussed in the Draft Permit Resolution and Findings (Attachment 3). Other than the proposed deviations, the project is in compliance with the applicable sections of the San Diego Municipal Code.

The project requires a MCCDP which is processed in the same manner as an application for a Site Development Permit (Process 3), in accordance with Land Development Code Chapter 11, Article 2 and Chapter 12, Article 6, Division 5. The MCCDP is required for deviations to the development regulations of the Mid-City Communities Planned District (CCPDO) CV-1 Zone. The deviations are as follows:

1. Varying setbacks from the west property line of 13 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel.
2. Varying setbacks from the north property line of 1 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel.
3. Varying setbacks from the base of the street wall on the east façade of 3 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel.
4. To allow the required 6 offsetting planes for a minimum of 1-3' horizontal difference where a minimum of 3 feet is required on the east facing facade.

5. To allow the required 5 offsetting planes for a minimum of 1-3' horizontal difference where a minimum of 3 feet is required on the south facing facade.
6. To allow 54% of the area of the east facing facade be vision glass or reflective spandrel construction where a maximum of 50% of the area of the facade is required.

All deviations are supported by staff and the community as further discussed in the Draft Permit Resolution and Findings (Attachment 4).

The project also requires a SDP, Process 4 for any encroachment or object which is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the proposed encroachment will be located. The driveway apron for the parking garage entrance on Maple Street encroaches into the 406 Maple Street property (owned by Neo Romax, Incorporated) one-foot, 10 inches and therefore requires a SDP. The project has been conditioned to provide an Encroachment Maintenance Removal Agreement, to the satisfaction of the City Engineer

### **Environmental Analysis:**

City Staff has reviewed the project and a Mitigated Negative Declaration was prepared for this project in accordance with the State of California Environmentally Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset impacts to the environment in the areas of Historical Resources (Archeology) and Paleontological Resources. Implementation of the Mitigation, Monitoring and Reporting Program as well as permit conditions would reduce impacts to below a level of significance.

### **Conclusion:**

Staff has reviewed the request for a Vesting Tentative Map and a Site Development Permit for the development of condominiums with deviations, and has found that the project is in conformance with the applicable sections of the San Diego Municipal Code. Staff has determined that the development is consistent with the Uptown Community Plan and believes the required findings can be supported. Therefore, staff recommends the Planning Commission approve the project as presented, subject to the proposed conditions.

### **ALTERNATIVES**

1. **Approve** Site Development Permit No. 1177933 and Vesting Tentative Map No. 1177934 **with modifications.**
2. **Deny** Site Development Permit No. 1177933 and Vesting Tentative Map No. 1177934, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Assistant Deputy Director  
Development Services Department



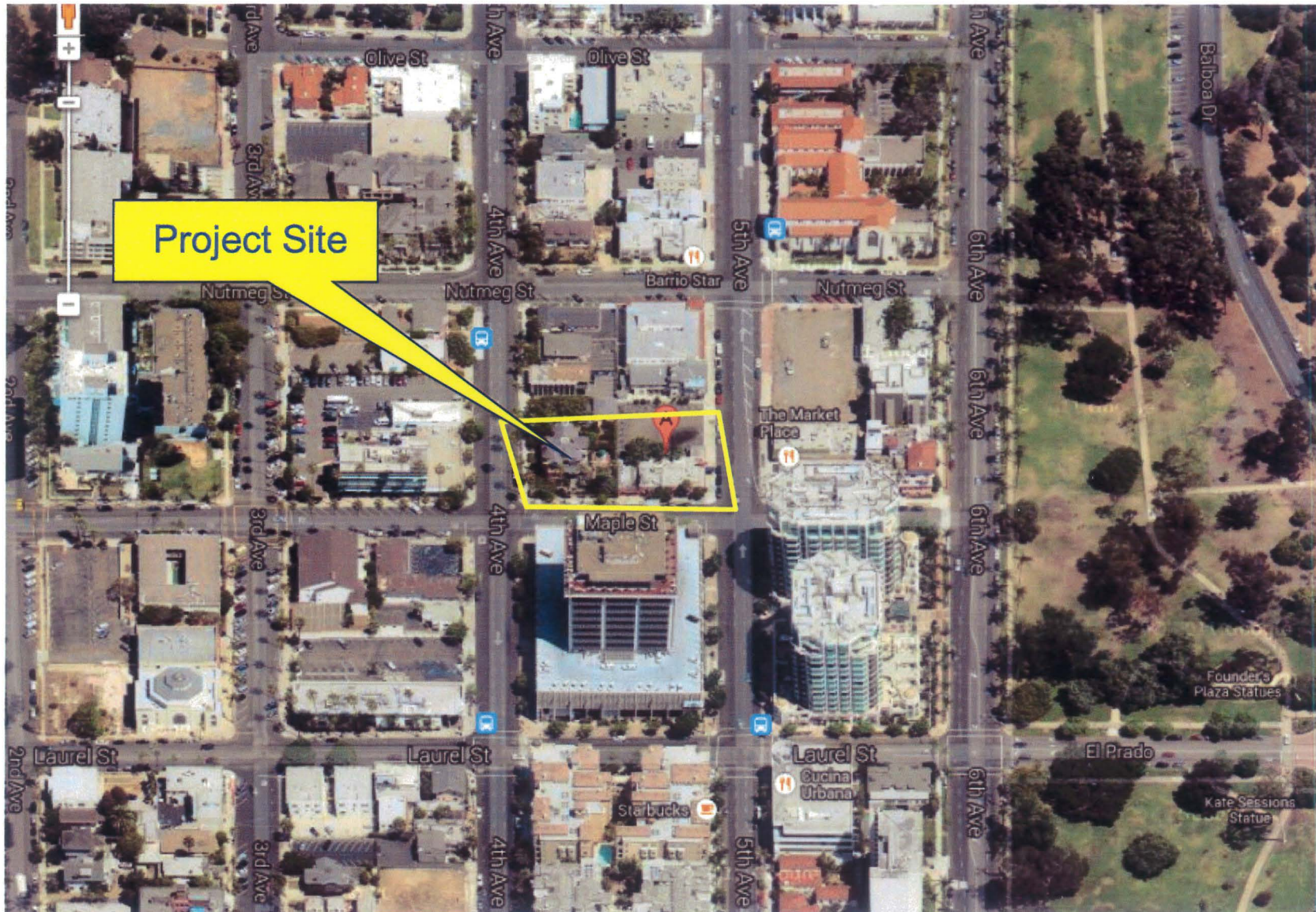
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Renee Mezo  
Development Project Manager  
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Permit with Conditions
4. Draft Permit Resolution with Findings
5. Draft Tentative Map Resolution with Findings
6. Draft Tentative Map Conditions
7. Draft Environmental Resolution with MMRP
8. Project Plans
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement





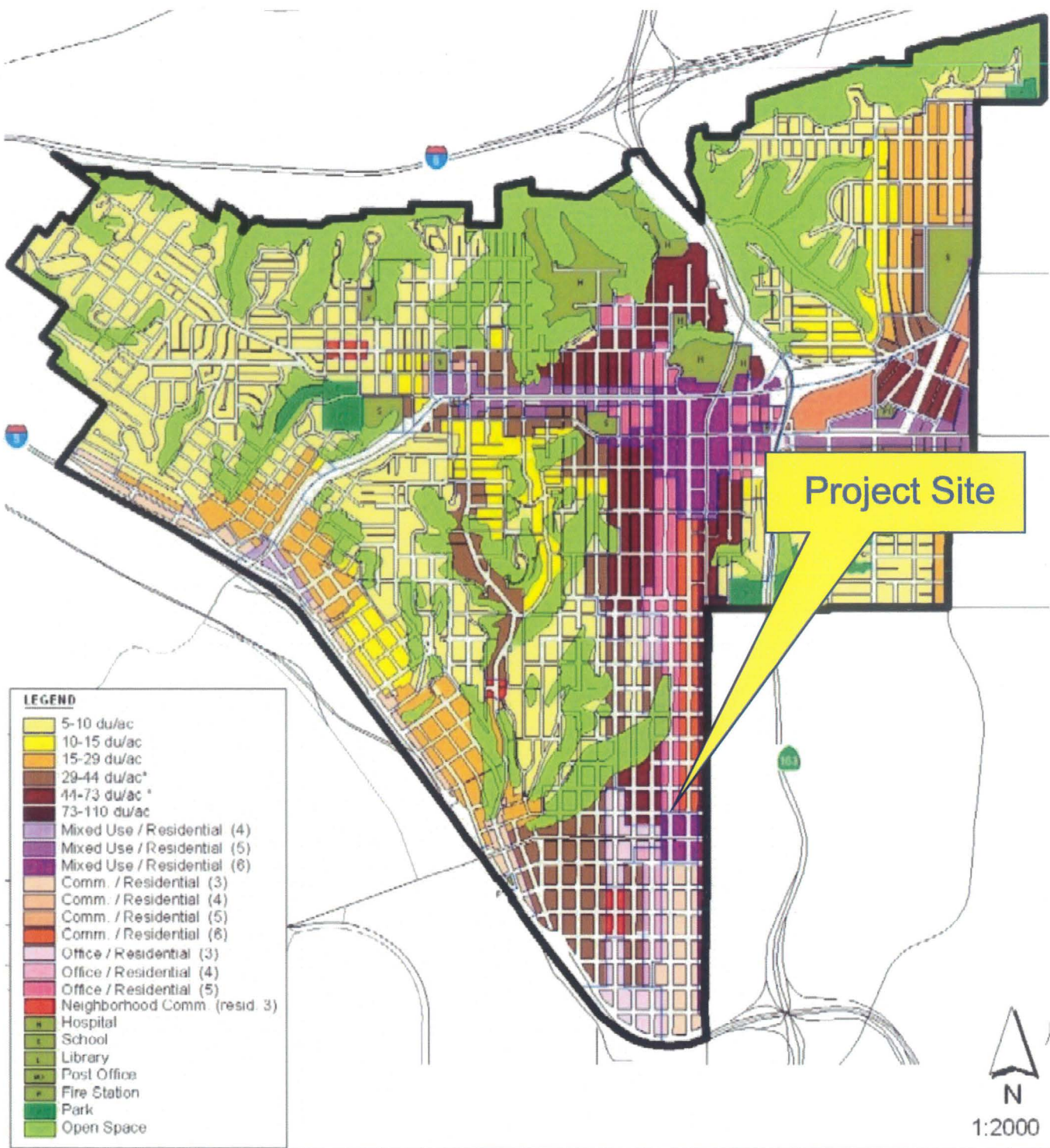
## Location Aerial Photo

**THE REGENT ON 5<sup>TH</sup> SDP & VTM – 2604 5<sup>TH</sup> Avenue and 406 Maple Street**  
**PROJECT NO. 335870**









# Land Use Map

**THE REGENT ON 5<sup>TH</sup> SDP & VTM -  
PROJECT NO. 335870**





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

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004033

**SITE DEVELOPMENT PERMIT NO. 1177933**  
**THE REGENT ON FIFTH - PROJECT NO. 335870 - MMRP**  
**PLANNING COMMISSION**  
**DRAFT**

This Site Development Permit No. 1177933 is granted by the Planning Commission of the City of San Diego to NEO ROMAX, INCORPORATED, AJT MANDARIN INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Owners and AJT MANDARIN INVESTMENTS, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 1512.0203. The 0.69-acre site is located at 2604 Fifth Avenue, at the northwest corner of Fifth Avenue and 406 Maple Street (no development 406 Maple Street). The 2604 Fifth Avenue site is located at the northwest intersection of Fifth Avenue and Maple Street in the NP-1 (Neighborhood Professional) and the CV-1 (Commercial Village) zones of the Mid-City Communities Planned District Ordinance, the Airport Approach, Residential Tandem Parking, Federal Aviation Authority (FAA) Part 77 and the Transit Area Overlay Zones within the Uptown Community Plan.

The project site is legally described as Lots D-I, Block 304 of Horton's Addition, according to Map made by L.L. Lockling.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct one commercial condominium and 41 residential condominium units with deviations as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 18, 2015, on file in the Development Services Department.

The project shall include:

- a. The demolition of the existing structure;

- b. The construction of a 10-story, 125-foot-high, approximately 137,000-square-foot building with 41 dwelling units;
- c. Approximately 1,400 square-feet of retail space;
- d. Six (6) deviations to the development regulations for setbacks, offsetting planes and façade glass as further describe in Conditions No. :
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking;
- g. 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. This permit must be utilized by July 2, 2018.
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 building 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. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION, NO. 335870, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. 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.

13. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION, NO. 335870, 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:

Paleontological and Archeological Resources

**AFFORDABLE HOUSING REQUIREMENTS:**

14. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**AIRPORT REQUIREMENTS:**

15. Prior to the issuance of any building permits, the Owner/Permittee shall provide a signed "No FAA Notification Self-Certification Agreement" (Form DS-503) and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

**ENGINEERING REQUIREMENTS:**

16. The Site Development Permit shall comply with all conditions of Vesting Tentative Map No. 1177934.

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

18. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an Encroachment Maintenance Removal Agreement, to the satisfaction of the City Engineer, for the sidewalk under drains in the Maple Street and Fifth Avenue rights-of-way.



19. Prior to the issuance of any building permits, Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the private enhanced concrete walkway in the Fifth Avenue right-of-way.
20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 20-foot wide driveway, adjacent to the site on Maple Street, satisfactory to the City Engineer.
21. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an Encroachment Maintenance Removal Agreement, to the satisfaction of the City Engineer, for the portion of the proposed driveway located on 406 Maple Street where the Permittee (AJT Mandarin Investments, LLC, A California Limited Liability Company) is not the owner of the property fronting the encroachment.
22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of current City Standard curb, gutter and sidewalk, maintaining the existing sidewalk scoring pattern, adjacent to the site on Maple Street and Fifth Avenue, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, the Owner/Permittee shall reconstruct the existing curb ramp at the northwest corner of Maple Street and Fifth Avenue, with current City standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance, satisfactory to the City Engineer.
25. 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 San Diego Municipal Code, into the construction plans or specifications.
26. 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.
27. 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.
28. The project proposes to export approximately 11,000 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

29. Prior to the issuance of any permits for construction within the public right-of-way, the Owner/Permittee shall enter into an agreement, to the satisfaction of the City Engineer, which shall contain the following provisions and any other provisions deemed necessary to protect the public interest. This is in addition to any other requirements under the San Diego Municipal Code or any other applicable law or regulation.

- a. Absolve the City of any liability for damage to public or private property or personal injury as result of the encroachment.
- b. Grant the City and utility company free and unlimited access to the structure as may be required to maintain, repair, replace, or relocate any public improvement or utility company facilities within or immediately adjacent to the encroaching structure.
- c. Hold the City and utility company harmless against liability from property damage or personal injury with respect to any City-owned or utility company-owned or leased facilities therein.
- d. Provide for removal of a structure and restoration of the right-of-way and affected utility facilities upon abandonment or removal of a structure.

**LANDSCAPE REQUIREMENTS:**

30. The Owner/Permittee shall obtain a Street Tree Permit for installation, establishment and maintenance of trees within the right-of-way.

31. Prior to final building inspection, the Owner/Permittee shall install all required landscaping.

**PLANNING/DESIGN REQUIREMENTS:**

32. A topographical survey conforming to the provisions of the San Diego Municipal Code (SDMC) may be required if it is determined, during construction, that there may be a conflict between the building 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.

33. Six (6) deviations:

- a. Varying setbacks from the west property line of 13 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel.
- b. Varying setbacks from the north property line of 1 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel.
- c. Varying setbacks from the base of the street wall on the east façade of 3 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel.
- d. To allow the required 6 offsetting planes for a minimum of 1-3' horizontal difference where a minimum of 3 feet is required on the east facing facade.

- e. To allow the required 5 offsetting planes for a minimum of 1-3' horizontal difference where a minimum of 3 feet is required on the south facing facade.
  - f. To allow 54% of the area of the east facing facade be vision glass or reflective spandrel construction where a maximum of 50% of the area of the facade is required.
34. 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 that the Owner/Permittee has included notes on the construction documents to require subsurface assessment activities, soil sampling and analysis of the site prior to grading. The notes should also specify that should hazardous materials or burn ash be discovered as part of this process or encountered during grading and/or construction activities, the Owner/Permittee is required to participate in the County of San Diego's Department of Environmental Health, Voluntary Assistance Program.
35. All vision glass and reflective spandrel construction shall be of material which is no more than 30 percent in reflectivity.
36. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.
37. The Owner/Permittee shall post a copy of each approved Discretionary Permit or Vesting Tentative Map in its sales office for consideration by each prospective buyer.
38. 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**

39. No fewer than 75 parking spaces (20 in tandem configuration) including 2 accessible parking spaces with an addition of 6 motorcycle spaces and 22 bicycle spaces shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

40. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a plumbing permit for the installation of an appropriate Back Flow Prevention Device (BFPD) on each water service to be utilized by the development.

41. Prior to the issuance of any Certificate of Occupancy, the Owner Permittee shall ensure that all public water and sewer facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- 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 18, 2015 and Resolution No. XXXX.

**PLANNING COMMISSION RESOLUTION NO. XXXX**  
**SITE DEVELOPMENT PERMIT NO. 1177933**  
**THE REGENT ON FIFTH - PROJECT NO. 335870 - MMRP**  
**DRAFT**

WHEREAS, NEO ROMAX, INCORPORATED/ AJT MANDARIN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Owner/Permittee, filed an application with the City of San Diego for a permit to construct one commercial condominium and 41 residential condominium units in an approximately 125,000-square-foot building with deviations (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1177933), on portions of a 0.69-acre site;

WHEREAS, the project site is located at 2604 Fifth Avenue, at the northwest corner of Fifth Avenue and 406 Maple Street (no development on 406 Maple Street) in the NP-1 (Neighborhood Professional) and the CV-1 (Commercial Village) of the Mid-City Communities Planned District Ordinance, the Airport Approach, Residential Tandem Parking, Federal Aviation Authority (FAA) Part 77, and the Transit Area Overlay Zones within the Uptown Community Plan;

WHEREAS, the project site is legally described as Lots D-I, Block 304 of Horton's Addition, according to Map made by L.L. Lockling;

WHEREAS, on June 18, 2015, the Planning Commission of the City of San Diego considered Site Development Permit No. 1177933 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 18, 2015.

**FINDINGS:**

**Site Development Permit- Section 126.0504**

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

The project is located within the Airport Approach and Federal Aviation Authority (FAA) Part 77 Overlay Zones for the San Diego International Airport (Lindbergh Field). The project received a determination of no hazard from the FAA on December 11, 2013 which expires on June 11, 2015. On May 29, 2015, an extension was granted until November 29, 2016. In addition, the project has been conditioned to comply with the FAA and Airport approach regulations per the San Diego Municipal Code.

The Uptown Community Plan (Community Plan) designates the 0.69-acre site for Office-Residential with High Residential 44-73 dwelling units per acre (0.34 acres) and Commercial-Residential with Very High Residential 73-110 dwelling units per acre. Both land use designations would allow general commercial, office, or residential development. Mixed-use development is also encouraged. According to the Community Plan, maximum densities would be allowed through parcel accumulation. Based on the project site's consolidated lot area, 40 to 62 dwelling units would be allowed on site. The proposal of a mixed-use development consisting

of 41 dwelling units and ground floor commercial-retail would implement the land use designation.

The proposed project would implement various recommendations and guidelines in the Urban Design Element of the Community Plan. As proposed, the project would implement the recommendation for encouraging commercial services to locate on transit corridors such as Fifth Avenue, First Avenue and Fourth Avenue that link Uptown to Centre City by incorporating 1,400 square feet of commercial space within the proposed mixed-use project. Additionally, the Community Plan recommends that that multi-family development should incorporate wall texture variations, façade off-sets, upper floor setbacks and the utilization of varied roof forms. To meet this guideline the proposed project would include a 14-foot step back above the first floor along the western elevation of the project and incorporate a “green screen” consisting of lavender and red trumpet vine to break up the texture of the western building façade facing the adjacent Britt-Scripps structure.

The Urban Design Element also recommends as a guideline that patios, balconies, courtyards, pools, and other recreational amenities be required for all residential projects to maximize useable open space. The project would include outdoor patios/balconies for each unit of the project and area dedicated to an onsite fitness facility would be provided for future residents of the project. The proposed project would meet the objective in the Urban Design Element for increasing the quality and quantity of landscaping in the public right-of-way and the provision of streets trees through the incorporation drought tolerant ground covers and shrubs as well as 36-inch box Jacaranda street trees along Fifth Avenue and Maple Street along with decorative tree grates.

The proposed project is located along Fifth Avenue which is identified in the Community Plan as a Class III bikeway. A goal of the Mobility Element of the General Plan is to encourage bicycling as a viable travel choice within the City. The project would assist in attaining this goal by providing 22 bicycle spaces. The Transportation Element of the community plan recommends that off-street parking should be placed underground and/or screened from the public right-of-way and adjacent residences. The proposed project would implement this recommendation by enclosing all off-street parking within two levels of underground parking. Additionally, the project would utilize an existing curb-cut/driveway along Maple Street for parking access and close two existing driveways along Fifth Avenue to meet the plan’s recommendation of restricting curb-cuts and entrances to off-street parking areas so that conflicts between pedestrian and vehicle traffic are minimized.

Policy NE-A.4 of the Noise Element of the General Plan requires an acoustical study consistent with Acoustical Study Guidelines (Table NE-4 of the General Plan) for proposed developments in areas where the existing or future noise level exceeds or would exceed the “compatible” noise level thresholds as indicated on the Land Use – Noise Compatibility Guidelines (Table NE-3 of the General Plan), so that noise mitigation measures can be included in a development project’s design to meet noise guidelines. According to Table NE-3, a proposed mixed-use project within an exterior noise exposure level of 60 and up to 70 CNEL would be “conditionally compatible” and must attenuate exterior noise to an indoor noise level of 45 CNEL.

An acoustical report prepared for the proposed project evaluated traffic levels on Fourth, Fifth Avenue, Maple Street, and noise aircraft associated with the San Diego International Airport in relation to the proposed project. The acoustical report indicates that the building face of the proposed project would be exposed to a traffic noise level of 64.9 CNEL and that ultimate noise level from aircraft are estimated at 47.5 CNEL. The result is a combined noise level of 65 CNEL. According to Table NE-3 of the General Plan, proposed projects having a noise level of 65 CNEL are “conditionally compatible” and must be capable of attenuating exterior noise to an indoor level of 45 CNEL. Based on calculations performed as part of the noise study, a minimum noise reduction of 24 dB would be achieved. Therefore, the project would meet the City’s 45 CNEL interior noise standard without building upgrades. Additionally, outdoor balcony areas of dwelling units facing the streets would include 4-foot high glass walls to attenuate exterior noise to below 65 CNEL, and as a result mitigation measures would not be required for outdoor areas.

The project proposes several deviations regarding upper-story setbacks, offsetting plane requirements, and the required proportion of vision glass or reflective spandrel construction along the eastern façade. The Uptown Community Plan does not provide specific recommendations regarding these particular development requirements, except for encouraging upper-story step backs to assist in addressing transitions and scale between new and existing development which the proposed project would incorporate. Despite these deviations, as proposed, the project would be consistent with the Uptown Community Plan and overall policies for mixed-use development related to the Land Use, Urban Design, Mobility, and Noise Elements contained in the General Plan, therefore the project would not adversely impact the applicable land use plans.

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

The project proposes a 41-unit residential condominium building with ground-floor retail space and subterranean parking with deviations for setbacks, offsetting planes, and glazing percentage. A Mitigated Negative Declaration was prepared for this project in accordance with the State of California Environmentally Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset impacts to the environments in the area of Historical Resources (Archeology) and Paleontological Resources. Implementation of the Mitigation, Monitoring and Reporting Program as well as permit conditions would reduce impacts to below a level of significance.

The project is located approximately 0.9 miles from the San Diego International Airport (Lindbergh Field) within the Airport Approach and Federal Aviation Authority (FAA) Part 77 Overlay Zones. The project received a determination of no hazard from the FAA on December 11, 2013 which expires on June 11, 2015. On May 29, 2015, an extension was granted until November 29, 2016. In addition, the project has been conditioned to comply with the FAA and Airport approach regulations per the San Diego Municipal Code.

The project is required to comply with seismic requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices (including recommendations contained within the Geotechnical Investigation), verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards, including fault rupture, would be less than significant.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Therefore, as proposed, the project will not be detrimental to the public health, safety, or welfare.

**3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The project proposes a 41-unit residential condominium building with ground-floor retail space and subterranean parking with deviations for setbacks, offsetting planes, and glazing percentage. The project requires a Mid-City Communities Development Permit (MCCDP) which is processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 and Chapter 12, Article 6, Division 5. The MCCDP is required for deviations to the development regulations of the Mid-City Communities Planned District (CCPDO) CV-1 Zone.

The first two deviations are to vary the setback from the west and north property lines from 1 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel. The purpose and intent of this regulation is to provide light and air to the adjacent properties as well as reduce bulk and scale. The only portion of the north elevation that does not meet this requirement is a 20-foot wide area which allows for the construction of the elevator shaft. On the west elevation, most of the encroachments are for open balconies and the main structure of the building maintains the required 15-foot setback so the design meets the purpose and intent of the regulation.

The third deviation is to have varying setbacks from the base of the street wall on the east façade of the building of 3 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel. The bulk of the building above the street wall has an 11-foot setback with most of the encroachments for open balconies. The building design meets the purpose and intent of the regulation by providing a building base that forms the street wall with a 32-foot height distinguished from the main shaft of the building that rises within the remaining height of the structure.

The fourth and fifth deviations are to allow the required offsetting planes a minimum of 1-3' horizontal difference where a minimum of 3 feet is required on the east and south facing facades. The main purpose of the regulations is for articulation and bulk and scale. The east and south facing facades are substantially articulated with balconies and the use of different building materials, therefore meets the purpose and intent of reducing bulk and scale.

The sixth deviation is to allow 54% of the area of the east facing facade be vision glass or reflective spandrel construction where a maximum of 50% of the area of the facade is required. The project would be constructed with modern materials that include low-emissivity (low-e) insulated clear glazing glass with no more than 30 percent reflectivity. Low-e glass is coated architectural glass that minimizes the amount of ultra-violet and infrared light that passes through the glass while still allowing plenty of visible light in. As such, the use of low reflectivity glass would not represent a new source of substantial glare.



Proposed lighting would be subject to the City's Outdoor Lighting Regulations contained in Section 142.0740 of the Municipal Code. The permit has been conditioned to require material which is no more than 30 percent reflective.

**Mid-City Communities Development Permit- Section 1512.0204(a)**

- 1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 1512.0101), and will not adversely affect the Uptown Community Plan or the General Plan of the City of San Diego.**

The project is located within the Airport Approach and Federal Aviation Authority (FAA) Part 77 Overlay Zones for the San Diego International Airport (Lindbergh Field). The project received a determination of no hazard from the FAA on December 11, 2013 which expires on June 11, 2015. On May 29, 2015, an extension was granted until November 29, 2016. In addition, the project has been conditioned to comply with the FAA and Airport approach regulations per the San Diego Municipal Code.

The Uptown Community Plan (Community Plan) designates the 0.69-acre site for Office-Residential with High Residential 44-73 dwelling units per acre (0.34 acres) and Commercial-Residential with Very High Residential 73-110 dwelling units per acre. Both land use designations would allow general commercial, office, or residential development. Mixed-use development is also encouraged. According to the Community Plan, maximum densities would be allowed through parcel accumulation. Based on the project site's consolidated lot area, 40 to 62 dwelling units would be allowed on site. The proposal of a mixed-use development consisting of 41 dwelling units and ground floor commercial-retail would implement the land use designation.

The proposed project would implement various recommendations and guidelines in the Urban Design Element of the Community Plan. As proposed, the project would implement the recommendation for encouraging commercial services to locate on transit corridors such as Fifth Avenue, First Avenue and Fourth Avenue that link Uptown to Centre City by incorporating 1,400 square feet of commercial space within the proposed mixed-use project. Additionally, the Community Plan recommends that that multi-family development should incorporate wall texture variations, façade off-sets, upper floor setbacks and the utilization of varied roof forms. To meet this guideline the proposed project would include a 14-foot step back above the first floor along the western elevation of the project and incorporate a "green screen" consisting of lavender and red trumpet vine to break up the texture of the western building façade facing the adjacent Britt-Scripps structure.

The Urban Design Element also recommends as a guideline that patios, balconies, courtyards, pools, and other recreational amenities be required for all residential projects to maximize useable open space. The project would include outdoor patios/balconies for each unit of the project and area dedicated to an onsite fitness facility would be provided for future residents of the project. The proposed project would meet the objective in the Urban Design Element for increasing the quality and quantity of landscaping in the public right-of-way and the provision of streets trees through the incorporation drought tolerant ground covers and shrubs as well as 36-inch box Jacaranda street trees along Fifth Avenue and Maple Street along with decorative tree grates.

The proposed project is located along Fifth Avenue which is identified in the Community Plan as a Class III bikeway. A goal of the Mobility Element of the General Plan is to encourage bicycling as a viable travel choice within the City. The project would assist in attaining this goal by providing 22 bicycle spaces. The Transportation Element of the community plan recommends that off-street parking should be placed underground and/or screened from the public right-of-way and adjacent residences. The proposed project would implement this recommendation by enclosing all off-street parking within two levels of underground parking. Additionally, the project would utilize an existing curb-cut/driveway along Maple Street for parking access and close two existing driveways along Fifth Avenue to meet the plan's recommendation of restricting curb-cuts and entrances to off-street parking areas so that conflicts between pedestrian and vehicle traffic are minimized.

Policy NE-A.4 of the Noise Element of the General Plan requires an acoustical study consistent with Acoustical Study Guidelines (Table NE-4 of the General Plan) for proposed developments in areas where the existing or future noise level exceeds or would exceed the "compatible" noise level thresholds as indicated on the Land Use – Noise Compatibility Guidelines (Table NE-3 of the General Plan), so that noise mitigation measures can be included in a development project's design to meet noise guidelines. According to Table NE-3, a proposed mixed-use project within an exterior noise exposure level of 60 and up to 70 CNEL would be "conditionally compatible" and must attenuate exterior noise to an indoor noise level of 45 CNEL.

An acoustical report prepared for the proposed project evaluated traffic levels on Fourth, Fifth Avenue, Maple Street, and noise aircraft associated with the San Diego International Airport in relation to the proposed project. The acoustical report indicates that the building face of the proposed project would be exposed to a traffic noise level of 64.9 CNEL and that ultimate noise level from aircraft are estimated at 47.5 CNEL. The result is a combined noise level of 65 CNEL. According to Table NE-3 of the General Plan, proposed projects having a noise level of 65 CNEL are "conditionally compatible" and must be capable of attenuating exterior noise to an indoor level of 45 CNEL. Based on calculations performed as part of the noise study, a minimum noise reduction of 24 dB would be achieved. Therefore, the project would meet the City's 45 CNEL interior noise standard without building upgrades. Additionally, outdoor balcony areas of dwelling units facing the streets would include 4-foot high glass walls to attenuate exterior noise to below 65 CNEL, and as a result mitigation measures would not be required for outdoor areas.

The project proposes several deviations regarding upper-story setbacks, offsetting plane requirements, and the required proportion of vision glass or reflective spandrel construction along the eastern façade. The Uptown Community Plan does not provide specific recommendations regarding these particular development requirements, except for encouraging upper-story step backs to assist in addressing transitions and scale between new and existing development which the proposed project would incorporate. Despite these deviations, as proposed, the project would be consistent with the Uptown Community Plan and overall policies for mixed-use development related to the Land Use, Urban Design, Mobility, and Noise Elements contained in the General Plan, therefore the project would not adversely impact the applicable land use plans.

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 project proposes 41-unit residential condominium building with ground-floor retail space and subterranean parking with deviations for setbacks, offsetting planes, and glazing percentage. The project is located at 2604 Fifth Avenue and 406 Maple Street (no development on 406 Maple Street). The 2604 Fifth Avenue site is located at the northwest intersection of Fifth Avenue and Maple Street in the NP-1 (Neighborhood Professional) and the CV-1 (Commercial Village) of the Mid-City Communities Planned District Ordinance, the Airport Approach, Residential Tandem Parking, Federal Aviation Authority (FAA), Transit Area Overlay Zones within the Uptown Community Plan

The project site is located in a developed area within the eastern portion of the Bankers Hill neighborhood. Surrounding uses include an office building and restaurant to the south, within the CN-1A Zone; the Britt Scripps House and St. Paul's Community Care Center to the west within the NP-1 Zone; a small market to the east; and a small apartment building, retail, and residential uses to the north (all within the CV-1 Zone). In addition, to the southeast of the project is Park Laurel, a development consisting of two 14-story condominium towers with ground-floor office and retail space. To the immediate northeast, a 45-unit condominium project is under construction. Balboa Park is located one block to the east.

Residential is a permitted use within the CV-1 and the NP-1 Zones. The density allowed under the current zoning is 63 dwelling units and the proposed 41 dwelling units are compatible with the existing and planned land use.

Even with the proposed deviations, the project still meets the purpose and intent of the architectural regulations as the design provides light and air to the adjacent properties, reduces bulk and scale by substantially articulating the structure with balconies and the use of different building materials.

The project landscaping would include adding ornamental trees along the sidewalk on Fifth Avenue, replacing ornamental trees on Maple Street, adding ornamental trees around the second floor patio areas, and adding green screen vine trellises on the west side of the building between the first and second floors. The project would use drought tolerant vegetation to meet current water use requirements. Utility services would be provided through existing utility infrastructure in the surrounding area. Proposed street improvements include closing the two existing driveways off Fifth Avenue, adding a new driveway on Maple Street, creating an enhanced entry paving on the sidewalk near the lobby entrance, and providing an additional off-street parking space (although not required).

The minimum parking requirement for the proposed project is 75 parking spaces within the transit and tandem area overlay zones with two accessible parking spaces, four motorcycle and 21 bicycle spaces. The project proposes to provide 75 on-site parking spaces (20 spaces in tandem configuration), with two accessible parking spaces, six motorcycle and 22 bicycle spaces on-site. In addition the applicant is also providing 14 compact parking spaces which does not count

towards their required parking. As described above, the proposed development will 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 property in the vicinity.**

The project proposes a 41-unit residential condominium building with ground-floor retail space and subterranean parking with deviations for setbacks, offsetting planes, and glazing percentage. A Mitigated Negative Declaration was prepared for this project in accordance with the State of California Environmentally Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset impacts to the environments in the area of Historical Resources (Archeology) and Paleontological Resources. Implementation of the Mitigation, Monitoring and Reporting Program as well as permit conditions would reduce impacts to below a level of significance.

The project is located approximately 0.9 miles from the San Diego International Airport (Lindbergh Field) within the Airport Approach and Federal Aviation Authority (FAA) Part 77 Overlay Zones. The project received a determination of no hazard from the FAA on December 11, 2013 which expires on June 11, 2015. On May 29, 2015, an extension was granted until November 29, 2016. In addition, the project has been conditioned to comply with the FAA and Airport approach regulations per the San Diego Municipal Code.

The project is required to comply with seismic requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices (including recommendations contained within the Geotechnical Investigation), verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards, including fault rupture, would be less than significant.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Therefore, 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.

4. **For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by Section 1512.0203(b)(1)(A) or (B), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space area per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of 10 feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities.**

The Mid- City Communities Planned District identifies facility deficient neighborhoods as those shown on Map. No B-4104. The Central Urbanized Planned District now incorporates all neighborhoods that are shown on Map No. B-4104 and those neighborhoods are no longer within the Mid-City Communities Planned District.

5. **In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site.**

The project has been conditioned to conform to all current street lighting standards. As such, the project proposes one new street light on Maple Street and one on Fifth Avenue.

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

The project proposes a 41-unit residential condominium building with ground-floor retail space and subterranean parking. The residential and retail uses only occupy the CV-1 Zone and those uses are permitted within the CV-1 according to SDMC Section 1512.0305, Table 1512-03I. For more information, see Site Development Permit Finding No. 3.

#### **Mid-City Communities Development Permit- Section 1512.0204(b)**

1. **The proposed structure height is appropriate because the location of the site, existing neighborhood character, and project design including massing, upper-story step backs, building façade composition and modulation, material and fenestration patterns when considered together, would ensure the development's compatibility with the existing character of the Uptown Community Plan Area.**

The project proposes a 10-story, 125-foot-high, 41-unit condominium building with ground-floor retail space and subterranean parking. A Vesting Tentative Map is required for the creation of condominiums and a Site Development Permit is required to allow deviations for setbacks, offsetting planes, and glazing percentage as further as well as being within Area B (south of Upas), as designated on Figure 1512-03A, that includes structure height in excess of 65 feet.

The project site is located in a developed area within the eastern portion of the Bankers Hill neighborhood of the Uptown community. Surrounding uses include an office building and restaurant to the south; the Britt Scripps House and St. Paul's Community Care Center to the west; a small market to the east; and a small apartment building, retail, and residential uses to the north. The Fifth Avenue Financial Building directly south of the subject is approximately 145 feet in height while the Park Laurel towers, to the southeast of the subject, are both 150 feet in height. A new condominium project, known as the Vue, currently under construction, directly to the east of the subject property was approved for a height of 92 feet. Three blocks to the north, also on Fifth Avenue at Palm, is the project known as The Park which is under construction at a height of 150 feet. Balboa Park is located one block to the east.

Using the buildings mentioned above, the materials are similar, in that the construction is of concrete and steel, as are the other taller buildings in the immediate neighborhood. The architectural design of these buildings varies, but the modulation, the setbacks, step backs, and the fenestration patterns are similar. Noted differences due to architectural style are the punched openings featured in the Vue versus the floor to ceiling glass featured in the subject and The Park. The Fifth Avenue Financial Building features a dramatic setback above the parking level while The Park and the Vue feature varied setbacks across the face of the building, which is similar to the subject project.

The project proposes a design that is modern in architectural form, simplified with an emphasis on rectangular, horizontal, and vertical lines and a stepped roof. The modern design of the building would utilize glass, painted concrete and metal; offsets are incorporated into the design to break up the building wall on all elevations with various superficial elements such as railing and balconies as well as the horizontal and vertical fenestration of the windows. The street level portion of the base of the building forms the street wall with the main shaft of the building set back to allow the rest of the building to rise within the middle of the structure. This, along with the use of balconies and different building materials provides additional off setting planes to further reduce the bulk and scale. The project would be constructed with low-emissivity (low-e) insulated clear glazing glass with no more than 30 percent reflectivity. Low-e glass is coated architectural glass that minimizes the amount of ultra-violet and infrared light that passes through the glass while still allowing plenty of visible light in. As such, the use of low reflectivity glass would not represent a new source of substantial glare. Therefore, the proposed structure height is appropriate.

**2. The proposed development provides a benefit to the community, such as park land or facilities, public space, affordable housing, or sustainable development features.**

The building will more than meet all of the Cal Green requirements including; LED lighting, the provision of bicycle storage on the first level instead of in the garage level making access to bicycles easier to encourage greater use, charging stations for electric cars featured in the parking garage, an HVAC system that will be a Variable Refrigerant Flow system (VRF), use of locally sourced finishes and materials, use of low flow plumbing fixtures, showers with in-line water flow reduction valves as well as trash rooms will featuring diverter chutes so recyclable materials can be sorted and sent to the proper dumpsters on the ground floor.

The Uptown Community plan designates the 0.69-acre site for Office-Residential with High Residential 44-73 dwelling units per acre (0.34 acres) and Commercial-Residential with Very High Residential 73-110 dwelling units per acre. Both land use designations would allow general commercial, office, or residential development. Mixed-use development is also encouraged. According to the community plan, maximum densities would be allowed through parcel accumulation. Based on the project's site consolidated lot area, 40 to 62 dwelling units would be allowed on site. The proposal of a mixed-use development consisting of 41 dwelling units, ground floor commercial-retail would implement the land use designation.

The proposed project would implement various recommendations and guidelines in the Urban Design Element. As proposed, the project would implement the recommendation for encouraging commercial services to locate on transit corridors such as Fifth Avenue, First Avenue and Fourth Avenue that link Uptown to Centre City by incorporating 1,400 square feet of commercial space within the proposed mixed-use project. Additionally, the Community Plan recommends that that multi-family development should incorporate wall texture variations, façade off-sets, upper floor setbacks and the utilization of varied roof forms. To meet this guideline the proposed project would include a 14-foot step back above the first floor along the western elevation of the project and incorporate a "green screen" consisting of lavender and red trumpet vine to break up the texture of the western building façade facing the adjacent Britt-Scripps structure.

The Urban Design Element also recommends as a guideline that patios, balconies, courtyards, pools, and other recreational amenities should be required for all residential projects to maximize useable open space. The project would include outdoor patios/balconies for each unit of the project and area dedicated to an onsite fitness facility would be provided for future residents of the project. The proposed project would meet the objective in the Urban Design Element for increasing the quality and quantity of landscaping in the public right-of-way and the provision of streets trees through the incorporation of 36-inch box by including drought tolerant ground covers and shrubs as well as 36-inch box Jacaranda street trees along Fifth Avenue and Maple Street along with decorative tree grates.

The proposed project is located along Fifth Avenue which is identified in the community plan as a Class III bikeway. A goal of the Mobility Element of the General Plan is to encourage bicycling as a viable travel choice within the City. The project would assist in attaining this goal by providing 22 bicycle spaces. The Transportation Element of the community plan recommends that off-street parking should be placed underground and/or screened from the public right-of-way and adjacent residences. The proposed project would implement this recommendation by enclosing all park off-street parking within two levels of underground parking. Additionally, the project would utilize an existing curb-cut/driveway along Maple Street for parking access and close two existing driveways along Fifth Avenue to meet the plans recommendation of the plan restricting curb-cuts and entrances to off-street parking areas so that conflicts between pedestrian and vehicle traffic are minimized.

Policy NE-A.4 of the Noise Element of the General Plan requires an acoustical study consistent with Acoustical Study Guidelines (Table NE-4 of the General Plan) for proposed developments in areas where the existing or future noise level exceeds or would exceed the “compatible” noise level thresholds as indicated on the Land Use – Noise Compatibility Guidelines (Table NE-3 of the General Plan), so that noise mitigation measures can be included in a development project’s design to meet noise guidelines. According to Table NE-3, a proposed mixed-use project within an exterior noise exposure level of 60 and up to 70 CNEL would be “conditionally compatible” and must attenuate exterior noise to an indoor noise level of 45 CNEL.

An acoustical report prepared for the proposed project evaluated traffic levels on Fourth, Fifth Avenue, Maple Street, and noise aircraft associated with the San Diego International Airport in relation to the proposed project. The acoustical report indicates that the building face of the proposed project would be exposed to a traffic noise level of 64.9 CNEL and that ultimate noise level from aircraft are estimated at 47.5 CNEL. The result is a combined noise level of 65 CNEL. According to Table NE-3 of the General Plan, proposed projects having a noise level of 65 CNEL are “conditionally compatible” and must be capable of attenuating exterior noise to an indoor level of 45 CNEL. Based on calculations performed as part of the noise study, a minimum noise reduction of 24 dB would be achieved. Therefore, the project would meet the City’s 45 CNEL interior noise standard without building upgrades. Additionally, outdoor balcony areas of dwelling units facing the streets would include 4-foot high glass walls to attenuate exterior noise to below 65 CNEL, as a result mitigation measures would not be required for outdoor areas.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1177933 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. 1177933, a copy of which is attached hereto and made a part hereof.

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Renee Mezo  
Development Project Manager  
Development Services

Adopted on: June 18, 2015

SAP or WBS Number: 24004033



PLANNING COMMISSION RESOLUTION NUMBER R-XXXX

**VESTING TENTATIVE MAP NO. 1177934  
THE REGENT ON FIFTH - PROJECT NO. 335870 - MMRP  
DRAFT**

WHEREAS, AJT MANDARIN, LLC, a CALIFORNIA LIMITED LIABILITY COMPANY, Subdivider and AMBROSE WONG, Engineer, submitted an application to the City of San Diego for Vesting Tentative Map No. 1177934 for the creation of 1 commercial and 41 residential condominium units known as The Regent on Fifth project. The 0.34-acre site is located at 2604 Fifth Avenue at the northwest corner of Fifth Avenue and Maple Street in the CV-1 (Commercial Village) of the Mid-City Communities Planned District Ordinance, the Airport Approach, Residential Tandem Parking, Federal Aviation Authority (FAA) Part 77, and the Transit Area Overlay Zones within the Uptown Community Plan. The property is legally described as Lots D-I, Block 304 of Horton's Addition, according to Map made by L.L. Lockling; and

WHEREAS the map proposes the subdivision of a 0.34-acre site into one (1) lot for 1 commercial and 41 residential condominium unit development; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; 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 units is 42; and

WHEREAS, on June 18, 2015, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1177934, and pursuant to San Diego Municipal Code sections 125.0401 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 Vesting Tentative Map No. 1177934:

**1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.**

The 0.69-acre project site is located at 2604 Fifth Avenue (0.34-acres), at the northwest corner of Fifth Avenue and 406 Maple Street (0.34-acres), in the NP-1 (Neighborhood Professional) and the CV-1 (Commercial Village) Zones of the Mid-City Communities Planned District Ordinance, the Airport Approach, Residential Tandem Parking, Federal Aviation Authority (FAA) Part 77 and the Transit Area Overlay Zones within the Uptown Community Plan. In order to calculate density the site includes three parcels at 406 Maple Street and three parcels at 2504 Fifth Avenue. The subdivision is only for the 2504 Fifth Avenue site. The parcels on the Maple street site are not a part of this Vesting Tentative Map.

The Uptown Community plan designates the 0.69-acre site for Office-Residential with High Residential 44-73 dwelling units per acre (0.34 acres) and Commercial-Residential with Very High Residential 73-110 dwelling units per acre. Both land use designations would allow general commercial, office, or residential development. Mixed-use development is also encouraged. According to the community plan, maximum densities would be allowed through parcel accumulation. Based on the project's site consolidated lot area, 40 to 62 dwelling units would be allowed on site. The proposal of a mixed-use development consisting of 41 dwelling units and ground floor commercial-retail would implement the land use designation.

The proposed project would implement various recommendations and guidelines in the Urban Design Element. As proposed, the project would implement the recommendation for encouraging commercial services to locate on transit corridors such as Fifth Avenue, First Avenue and Fourth Avenue that link Uptown to Centre City by incorporating 1,400 square feet of commercial space within the proposed mixed-use project. Additionally, the Community Plan recommends that that multi-family development should incorporate wall texture variations, façade off-sets, upper floor setbacks and the utilization of varied roof forms. To meet this guideline the proposed project would include a 14-foot step back above the first floor along the

western elevation of the project and incorporate a “green screen” consisting of lavender and red trumpet vine to break up the texture of the western building façade facing the adjacent Britt-Scripps structure.

The Urban Design Element also recommends as a guideline that patios, balconies, courtyards, pools, and other recreational amenities should be required for all residential projects to maximize useable open space. The project would include outdoor patios/balconies for each unit of the project and area dedicated to an onsite fitness facility would be provided for future residents of the project.

The proposed project would meet the objective in the Urban Design Element of the Community Plan for increasing the quality and quantity of landscaping in the public right-of-way and the provision of streets trees through the incorporation drought tolerant ground covers and shrubs as well as 36-inch box Jacaranda street trees along Fifth Avenue and Maple Street along with decorative tree grates.

The proposed project is located along Fifth Avenue which is identified in the community plan as a Class III bikeway. A goal of the Mobility Element of the General Plan is to encourage bicycling as a viable travel choice within the City. The project would assist in attaining this goal by providing 22 bicycle spaces. The Transportation Element of the Community Plan recommends that off-street parking should be placed underground and/or screened from the public right-of-way and adjacent residences. The proposed project would implement this recommendation by enclosing all park off-street parking within two levels of underground parking. Additionally, the project would utilize an existing curb-cut/driveway along Maple Street for parking access and close two existing driveways along Fifth Avenue to meet the Community Plan’s recommendation of the plan restricting curb-cuts and entrances to off-street parking areas so that conflicts between pedestrian and vehicle traffic are minimized.

Policy NE-A.4 of the Noise Element of the General Plan requires an acoustical study consistent with Acoustical Study Guidelines (Table NE-4 of the General Plan) for proposed developments in areas where the existing or future noise level exceeds or would exceed the “compatible” noise level thresholds as indicated on the Land Use – Noise Compatibility Guidelines (Table NE-3 of the General Plan), so that noise mitigation measures can be included in a development project’s design to meet noise guidelines. According to Table NE-3, a proposed mixed-use project within an exterior noise exposure level of 60 and up to 70 CNEL would be “conditionally compatible” and must attenuate exterior noise to an indoor noise level of 45 CNEL.

An acoustical report prepared for the proposed project evaluated traffic levels on Fourth, Fifth Avenue, Maple Street, and noise aircraft associated with the San Diego International Airport in relation to the proposed project. The acoustical report indicates that the building face of the proposed project would be exposed to a traffic noise level of 64.9 CNEL and that ultimate noise level from aircraft are estimated at 47.5 CNEL. The result is a combined noise level of 65 CNEL. According to Table NE-3 of the General Plan, proposed projects having a noise level of 65 CNEL are “conditionally compatible” and must be capable of attenuating exterior noise to an indoor level of 45 CNEL. Based on calculations performed as part of the noise

study, a minimum noise reduction of 24 dB would be achieved. Therefore, the project would meet the City's 45 CNEL interior noise standard without building upgrades. Additionally, outdoor balcony areas of dwelling units facing the streets would include 4-foot high glass walls to attenuate exterior noise to below 65 CNEL, as a result mitigation measures would not be required for outdoor areas.

The project proposes several deviations regarding upper-story setbacks, offsetting plane requirements, and the required proportion of vision glass or reflective spandrel construction along the eastern façade. The Uptown Community Plan does not provide specific recommendations regarding these particular development requirements, except for encouraging upper-story step backs to assist in addressing transitions and scale between new and existing development which the proposed project would incorporate. Despite these deviations, as proposed, the project would be consistent with the Uptown Community Plan and overall policies for mixed-use development related to the Land Use, Urban Design, Mobility, and Noise Elements contained in the General Plan, therefore the project would not adversely impact the applicable land use plans.

The project is located within the Airport Approach and Federal Aviation Authority (FAA) Part 77 Overlay Zones for the San Diego International Airport (Lindbergh Field). The project received a determination of no hazard from the FAA on December 11, 2013 which expires on June 11, 2015. On May 29, 2015, an extension was granted until November 29, 2016. In addition, the project has been conditioned to comply with the FAA and Airport approach regulations per the San Diego Municipal Code.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.**

The project proposes a 41-unit residential condominium building with ground-floor retail space and subterranean parking with deviations for setbacks, offsetting planes, and glazing percentage.

The project requires a Mid-City Communities Development Permit (MCCDP) which is processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 and Chapter 12, Article 6, Division 5. The MCCDP is required to allow for deviations to the development regulations of the Mid-City Communities Planned District (CCPDO) CV-1 Zone.

The first two deviations are to vary the setback from the west and north property lines from 1 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel. The purpose and intent of this regulation is to provide light and air to the adjacent properties as well as reduce bulk and scale. The only portion of the north elevation that does not meet this requirement is a 20-foot wide area which allows for the construction of the elevator shaft. On the west elevation, most of the encroachments are for open balconies and the main structure of the building maintains the required 15-foot setback so the design meets the purpose and intent of the regulation.

The third deviation is to have varying setbacks from the base of the street wall on the east façade of the building of 3 to 15 feet above a height of 36 feet where a 15-foot setback is required from all property lines that are shared with another parcel. The bulk of the building above the street wall has an 11-foot setback with most of the encroachments for open balconies. The building design meets the purpose and intent of the regulation by providing a building base that forms the street wall with a 32-foot height distinguished from the main shaft of the building that rises within the remaining height of the structure.

The fourth and fifth deviations are to allow the required offsetting planes a minimum of 1-3' horizontal difference where a minimum of 3 feet is required on the east and south facing facades. The main purpose of the regulations is for articulation and bulk and scale. The east and south facing facades are substantially articulated with balconies and the use of different building materials, therefore meets the purpose and intent of reducing bulk and scale.

The sixth deviation is to allow 54% of the area of the east facing facade be vision glass or reflective spandrel construction where a maximum of 50% of the area of the facade is required. The project would be constructed with modern materials that include low-emissivity (low-e) insulated clear glazing glass with no more than 30 percent reflectivity. Low-e glass is coated architectural glass that minimizes the amount of ultra-violet and infrared light that passes through the glass while still allowing plenty of visible light in. As such, the use of low reflectivity glass would not represent a new source of substantial glare. Proposed lighting would be subject to the City's Outdoor Lighting Regulations contained in Section 142.0740 of the Municipal Code. The permit has been conditioned to require material which is no more than 30 percent reflective.

### **3. The site is physically suitable for the type and density of development.**

The project site is located in a developed area within the eastern portion of the Bankers Hill neighborhood of the Uptown community. Surrounding uses include an office building and restaurant to the south; the Britt Scripps House and St. Paul's Community Care Center to the west; a small market to the east; and a small apartment building, retail, and residential uses to the north. In addition, to the southeast of the project is Park Laurel, a development consisting of two 14-story condominium towers with ground-floor office and retail space. To the immediate northeast, a 45-unit condominium project is under construction. Balboa Park is located one block to the east.

The project proposes a 10-story, 125-foot-high, 41-unit condominium building with ground-floor retail space and subterranean parking. The total area of the building, including the two levels of subterranean parking with 75 parking spaces, would be approximately 137,000 square feet.

A Geotechnical Investigation (Southern California Soil & Testing, Inc. 2013) was prepared for the project site to characterize and evaluate the geotechnical conditions of the site and recommend appropriate geotechnical engineering considerations. The site is located within a nominal to low relative geologic risk area. There are no known active earthquake faults that underlie the project site, and the site is not located within an Alquist-Priolo earthquake fault zone. According to the more focused Geologic Hazards and Faults Map in the City of San Diego

Seismic Safety Study (Grid Tile 17), there are no faults located beneath the project site. The nearest major fault zone is associated with the Rose Canyon Fault Zone, which is located approximately 0.7 mile west of the site.

As described in the Geotechnical Investigation, the existing materials on site were classified as having a very low expansion potential and the report's foundation recommendations reflect a very low expansion potential. In addition, implementation of proper engineering design and utilization of standard construction practices (including recommendations contained within the Geotechnical Investigation), to be verified at the building permit stage, would ensure that the site is physically suitable for the type and density of development.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The site is within an existing developed urban in-fill area and does not contain nor is adjacent to any fish or wildlife habitats, environmentally sensitive lands or within the Multiple Habitat Planning Area. Therefore, the design of the subdivision or the proposed improvements are 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 improvement will not be detrimental to the public health, safety, and welfare.**

A Mitigated Negative Declaration was prepared for this project in accordance with the State of California Environmentally Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset impacts to the environments in the area of Historical Resources (Archeology) and Paleontological Resources. Implementation of the Mitigation, Monitoring and Reporting Program as well as permit conditions would reduce impacts to below a level of significance.

The project is located approximately 0.9 miles from the San Diego International Airport (Lindbergh Field) within the Airport Approach and Federal Aviation Authority (FAA) Part 77 Overlay Zones. The project received a determination of no hazard from the FAA on December 11, 2013 which expires on June 11, 2015. On May 29, 2015, an extension was granted until November 29, 2016. In addition, the project has been conditioned to comply with the FAA and Airport approach regulations per the San Diego Municipal Code.

The project is required to comply with seismic requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices (including recommendations contained within the Geotechnical Investigation), verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards, including fault rupture, would be less than significant.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Therefore, as proposed, the project will not be detrimental to the public health, safety, or 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.**

The Vesting Tentative Map is for the subdivision to allow condominium ownership. There are no existing easements acquired by the public at large for access through or use of property within the proposed subdivision, therefore, no conflicts exist.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.**

The proposed subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading. The proposed design and conditions of the Vesting Tentative Map as well as the associated Site Development Permit have been adopted for the future construction of the residential and commercial units and provide opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to 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.**

The project requires a Vesting Tentative Map to create 41 residential and one commercial condominiums units in conjunction with Site Development Permit No. 1177933. The subdivision has been conditioned to comply with the City-wide Affordable housing Regulations. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed subdivision will not adversely impact the housing needs of the region.

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, Vesting Tentative Map No. 1177934, hereby granted to AJT MANDARIN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_  
Renee Mezo  
Development Project Manager  
Development Services Department

ATTACHMENT: Vesting Tentative Map Conditions

Internal Order No. 24004033



**PLANNING COMMISSION RESOLUTION NO. XXXX  
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1177934  
THE REGENT ON FIFTH - PROJECT NO. 335870 - MMRP  
DRAFT**

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Vesting Tentative Map will expire July 2, 2018.
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 Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. 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.
5. The Vesting Tentative Map shall conform to the provisions of Site Development Permit No. 1177933.
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

Project No. 335870  
TM No. 1177934

Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**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 recordation of the Final Map, the Subdivider shall enter into a written agreement with the San Diego Housing Commission to pay the condominium inclusionary affordable housing fee pursuant to the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 142.1301 et seq.).

**ENGINEERING**

9. Prior to the issuance of any building permit, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Owner/Permittee shall assure, by permit and bond to install current City Standard street lights adjacent to the site on Maple Street and Fifth Avenue.
10. The Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
11. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. 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.
14. 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,

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is required. Only those exceptions to the General Conditions which are shown on the Vesting 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**

15. "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].
16. "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."
17. 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 First Order accuracy. 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.

### **GEOLOGY**

18. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

**INFORMATION:**

- The approval of this Tentative Map by the Hearing Officer 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 Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting 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).

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Project No. 335870  
TM No. 1177934

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

ADOPTED ON JUNE 18, 2015 \_\_\_\_\_

WHEREAS, on September 26, 2013, Bruce Leidenberger submitted an application to Development Services Department for a Vesting Tentative Map and Site Development Permit for The Regent on Fifth Project; and

WHEREAS, the matter 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 18, 2015; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigated Negative Declaration No. 335870 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: \_\_\_\_\_  
Renee Mezo, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

**EXHIBIT A****MITIGATION MONITORING AND REPORTING PROGRAM****Vesting Tentative Map and Site Development Permit  
PROJECT NO. 335870**

This Mitigation Monitoring and Reporting Program has been designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the entity 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 Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 335870 shall be made conditions of Vesting Tentative Map and Site Development Permit as may be further described below.

**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 through the plan check process.

**B. Letters of Qualification shall be submitted to ADD**

1. The applicant shall submit a letter of verification to 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 Hazardous Waste Operations and Emergency Response (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 meet the qualifications in the HRG.
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 (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal 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 ¼-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, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, 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 CM 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 all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **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 AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
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 modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR'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 all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

#### C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered 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) which has been reviewed by the Native American consultant/monitor, 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. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
- c. If the 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 no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), 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) of the Development Services Department to assist with the discovery notification process.
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 provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
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 CEQA Section 15064.5(e), the California Public Resources 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 will be determined between the MLD and the PI, and, 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, THEN,
    - 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 artifacts 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 San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/ landowner, any known descendant group, and the San Diego 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. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
    - 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.
  3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- 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.

**PALEONTOLOGICAL RESOURCES****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 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 MMC identifying the 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 will 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 Precon Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, 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 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 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 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 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.
3. The monitor shall document field activity via the CSV. The CSVs 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 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 will 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 will 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 CSV and submit to MMC via fax by 8 AM 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 8 AM 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.



## V. 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.

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LC.03	LANDSCAPE CALCULATIONS

VICINITY MAP



THE REGENT ON 5TH

5TH AND MAPLE  
SAN DIEGO, CALIFORNIA 92103

REVISIONS

NO	DESCRIPTION	DATE
1	SDP SUBMITTAL	08.13.13
2	SDP RE-SUBMITTAL	12.16.13
3	SDP RE-SUBMITTAL	03.11.14
4	SDP RE-SUBMITTAL	08.22.14
5	SDP RE-SUBMITTAL	11.07.14
6	PLANNING COMMISSION	05.23.15

SHEET TITLE

PROPOSED SITE PLAN

ACRM

ARCHITECTS + INTERIORS

ICON  
PROPERTIES  
SAN DIEGO, CA

SHEET OF 131

A0.1

PROJECT TEAM

CONSULTANT AND MAIN CONTACT:  
LA JOLLA PACIFIC DEVELOPMENT GROUP, INC.  
BRUCE E. LEIDENBERGER  
3555 5TH AVE, SUITE 100  
SAN DIEGO, CA 92103  
OFFICE: 619.692.9092  
CELL: 619.995.9032  
LEIDENBERGER@LAJOLLAPACIFIC.COM

CIVIL ENGINEER  
BURKETT AND WONG ENGINEERS  
ATTN: CASEY LYNCH, P.E.  
9449 BALBOA AVE., 270  
SAN DIEGO, CA 92123  
619.286.6600  
CLYNCH@BURKETT-WONG.COM

ARCHITECT:  
AWBREY COOK MCGILL ARCHITECTS  
ATTN: TOM AWBREY  
1046 14TH ST., SUITE 100  
SAN DIEGO, CA 92111  
619.398.3480  
TOM@ACM-ARCHITECTS.COM

LANDSCAPE ARCHITECT:  
GILLESPIE MOODY PATTERSON, INC.  
ATTN: JOHN PATTERSON  
4125 SORRENTO VALLEY BLVD., SUITE D  
SAN DIEGO, CA 92121  
658.558.8877  
JOHN@GMPLANDARCH.COM

PROJECT DATA

APPLICANT:  
A/T MANDARIN INVESTMENTS, LLC  
3555 5TH AVE, STE. 100  
SAN DIEGO, CA 92103  
AJTANSOC@REGENTSINTERNATIONAL.COM

REQUIRED PERMITS AND APPROVALS:  
SITE DEVELOPMENT PERMIT  
F.A.A. PART 77 NOTIFICATION AREA  
VESTING TENTATIVE MAP

PROJECT ADDRESS: 2604 5TH AVE, 406 MAPLE ST.  
SAN DIEGO, CA

ZONE: CV-1 NP-1  
(E) CONDITIONAL USE PERMIT: CUP # 9804

OVERLAYS: AIRPORT APPROACH,  
FIRE HAZARD SEVERITY ZONE,  
RESIDENTIAL TANDEM PARKING  
TRANSIT AREA

NO PROPOSED WORK AT 406 MAPLE

PROJECT NARRATIVE

THIS PROJECT INCLUDES BOTH THE 2604 5TH AVE. PARCEL (15,000 SF) AND THE 406 MAPLE ST. PARCEL (15,000 SF). HOWEVER, THE SITE TO BE DEVELOPED IS LIMITED TO THE 15,000 SF PARCEL AT 2604 5TH AVE. THE 406 MAPLE ST. PARCEL IS A DESIGNATED HISTORIC ASSET (BRITT SCRIPPS INN- HRB. 52).  
THE DEVELOPMENT PROPOSES TO DEVELOP A 10 STORY 125' FOOT HIGH RESIDENTIAL BUILDING PROVIDING 41 DWELLING UNITS. THE SITE IS WITHIN THE AIRPORT APPROACH FAA PART 77 NOTIFICATION AREA AND TANDEM PARKING OVERLAY ZONES. THE PROJECT SITE IS LOCATED IN THE CV-1 AND NP-1 ZONES OF THE MID-CITY COMMUNITIES PLANNED DISTRICT OF PARK WEST NEIGHBORHOOD OF THE UPTOWN COMMUNITY PLAN AREA. NO WORK IS PROPOSED IN THE NP-1 ZONE OF THE SITE.

PROPOSED DEVELOPMENT DEVIATIONS:

- PER CITY OF SAN DIEGO MUNICIPAL CODE SECTION 1512.0310(1)(2)(B):  
A. PROPOSE VARYING SETBACKS BETWEEN 13' TO 15' ABOVE A HEIGHT OF 36' FROM WEST PROPERTY LINES THAT ARE SHARED WITH ANOTHER PARCEL  
B. PROPOSE VARYING SETBACKS BETWEEN 1' TO 15' ABOVE A HEIGHT OF 36' FROM NORTH PROPERTY LINE THAT ARE SHARED WITH ANOTHER PARCEL
- PER CITY OF SAN DIEGO MUNICIPAL CODE SECTION 1512.0310(7B):  
PROPOSE TO HAVE VARYING SETBACKS FROM THE BASE OF THE STREET WALL ON THE EAST FACADE OF THE BUILDING OF 3'-0" TO 15'-0" ABOVE A HEIGHT OF 36 FEET WHERE A 15-FOOT SETBACK IS REQUIRED ABOVE A HEIGHT OF 36 FEET FROM THE BASE OF THE STREET WALL ON AT LEAST ONE FACADE FACING A STREET.
- PER CITY OF SAN DIEGO MUNICIPAL CODE SECTION 1512.0312(a):  
A. TO ALLOW THE REQUIRED 6 OFFSETTING PLANES A MINIMUM OF 1'-3" HORIZONTAL DIFFERENCE WHERE A MINIMUM OF 3 FEET IS REQUIRED ON THE EAST FACING FACADE.  
B. TO ALLOW THE REQUIRED 6 OFFSETTING PLANES A MINIMUM OF 1'-3" HORIZONTAL DIFFERENCE WHERE A MINIMUM OF 3 FEET IS REQUIRED ON THE SOUTH FACING FACADE.
- PER CITY OF SAN DIEGO MUNICIPAL CODE S1512.0312(B)(2):  
A. PROPOSE 54% GLAZING ON EAST ELEVATION. SDMC ALLOWS 50% MAX GLAZING.

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS "G", "H" AND "I" IN BLOCK 304 OF HORTONS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF MADE BY L.L. LOCKING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY. APN: 452-715-04 AND 452-715-05

LOTS "D", "E" AND "F" IN BLOCK 304 OF HORTONS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF MADE BY L.L. LOCKING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY. APN: 452-715-04 AND 452-715-05

LOT SUMMARY

	406 MAPLE ST.	2604 5TH AVE.	TOTAL
APN:	452-715-04 & 452-715-05	452-715-06	
ZONE:	NP-1	CV-1	
SETBACKS:	NONE	NONE	
LOT AREA:	15,000 SF	15,000 SF	30,000 SF
ALLOWABLE DWELLING UNITS: 15,000/600 = 25		15,000/400 = 37.5	63

TOTAL ALLOWABLE UNITS:

PROPOSED DWELLING UNITS:	FLOOR 2: 5 UNITS FLOOR 3: 6 UNITS FLOOR 4: 6 UNITS	FLOOR 5: 6 UNITS FLOOR 6: 6 UNITS FLOOR 7: 4 UNITS	FLOOR 8: 4 UNITS FLOOR 9: 4 UNITS FLOOR 10: 2 UNITS
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\*UNITS ON 10TH FLOOR ARE PART OF THE PENTHOUSE ON 9TH FLOOR AND ARE NOT CALCULATED AS PART OF THE TOTAL PROPOSED DWELLING UNITS

TOTAL PROPOSED DWELLING UNITS: 41

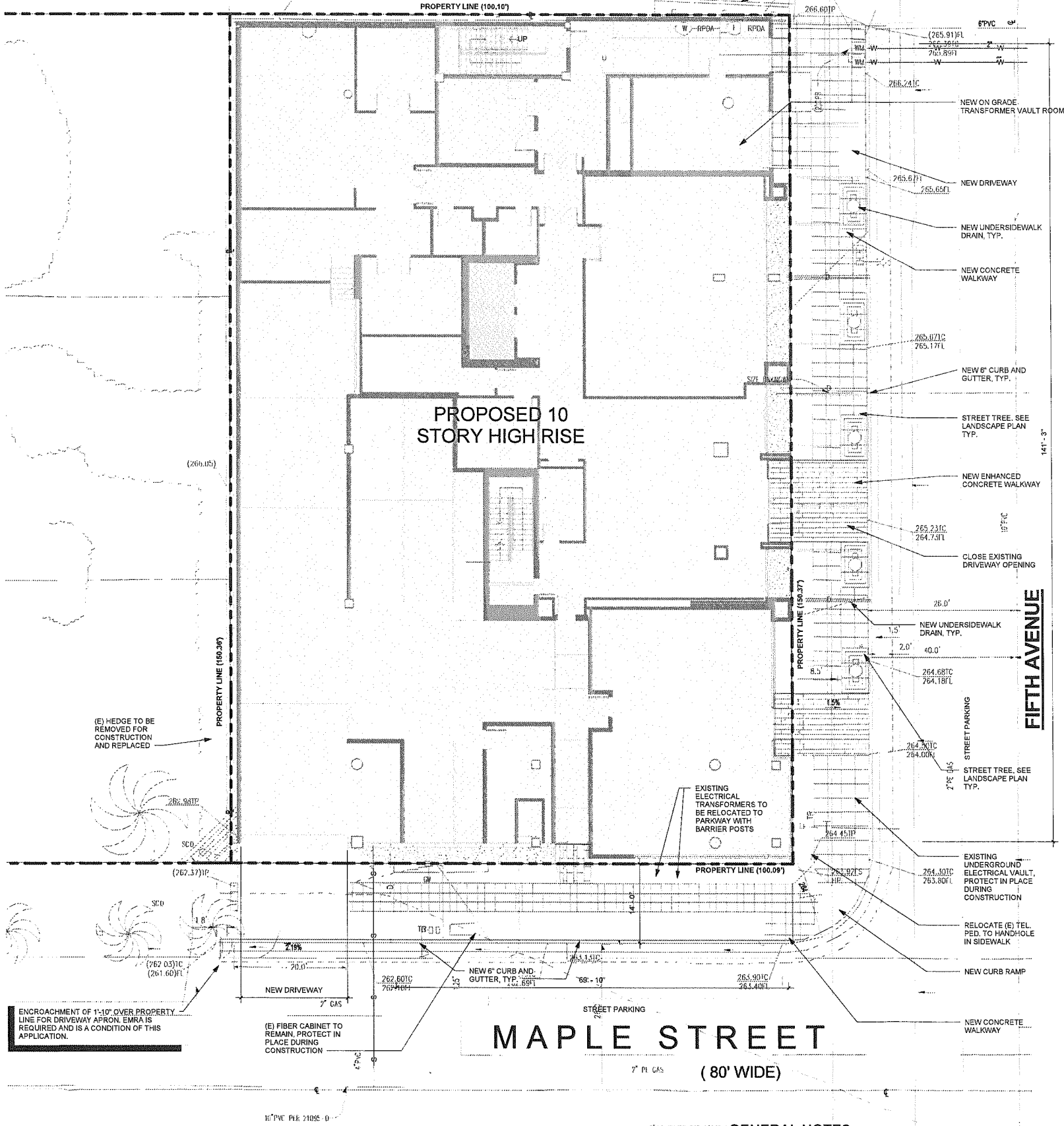
PROPOSED ENCLOSED FLOOR AREA (2604 5TH AVE.)	LEVEL	RESIDENTIAL AREA
STORAGE REQUIREMENT: 100 CU. F. PER DWELLING UNIT = 100 x 41 UNITS TOTAL REQUIRED: 4,100 CU. F. (AT LEVEL 1) TOTAL PROVIDED: 4,100 CU. F.	PARKING LEVEL 2	17,675
	PARKING LEVEL 1	14,900
	GROUND FLOOR	14,149
	2ND	9,651
	3RD	10,791
	4TH	10,791
	5TH	10,791
	6TH	10,791
	7TH	10,770
	8TH	10,770
	9TH	10,519
	10TH	6,188
TOTAL PROPOSED ENCLOSED FLOOR AREA		137,785
TOTAL RESIDENTIAL FLOOR AREA		91,061

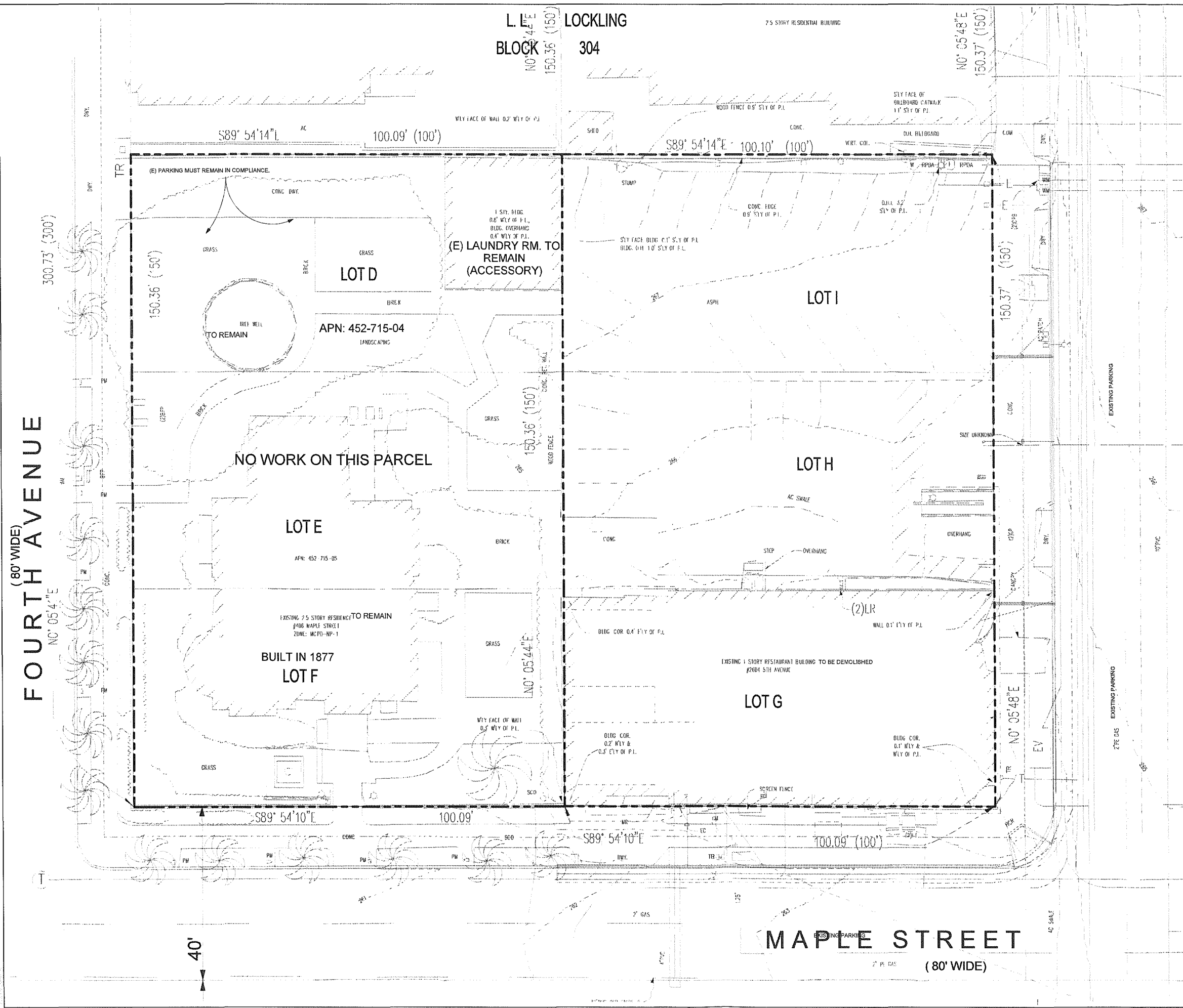
PARKING REQUIREMENTS (PER SDMC TABLE 142-05C, TRANSIT AREA)  
(41) TWO BEDROOM UNITS

REQUIRED PARKING SPACES PER UNIT	TOTAL REQUIRED	TOTAL PROVIDED T= TANDEM S= SINGLE	ACCESSIBLE PARKING REQUIREMENTS (2% x TOTAL PROVIDED)	TOTAL REQUIRED	TOTAL PROVIDED
AUTO	1.75	72	2% x 75 = 1.5	2	2
MOTOR-CYCLE	.1	5			
BICYCLE	.5	21			
OFF-STREET LOADING SPACES					
TOTAL RESIDENTIAL FLOOR AREA IS <100,000. NO LOADING SPACES REQUIRED					
AUTO PARKING REQUIREMENTS - RETAIL					
REQUIRED PARKING SPACES	TOTAL REQUIRED	TOTAL PROVIDED	OFF-STREET PARKING (NO EXISTING METERS OR MARKINGS)		
AUTO	2.1/1000 SF	3	EXISTING	6	8
GRAND TOTAL PROVIDED FOR BUILDING			75	MAPLE STREET	4
				TOTAL	10
					11

GENERAL NOTES

- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-06.
- NO EXISTING EASEMENTS ON PROPERTY.
- NO EXISTING OR PROPOSED BUS STOPS ON THIS PROJECT.
- SEE SHEET A0.2 FOR EXISTING SITE CONDITIONS.
- REFER TO CIVIL DRAWINGS FOR MORE INFORMATION.
- POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS/ ACCESS SIDE OF THE STRUCTURE.





- GENERAL NOTES**
1. SEE SHEET A0.1 FOR PROPOSED WORK AND ALL PROPERTY AND PROJECT DATA.
  2. REFER TO CIVIL DRAWINGS FOR MORE INFORMATION.
  3. THERE ARE NO SHARED PARKING AGREEMENTS THAT ARE BURDENING THE (E) SITE OF THE MANDARIN HOUSE PARKING LOT THAT NEED TO BE MAINTAINED IN THE FUTURE DEVELOPMENT.
  4. EXISTING PARKING ON THE WEST PARCEL, THE BRITT SCRIPTS, MUST REMAIN IN COMPLIANCE WITH CUP PERMIT # 9804 PTS#5043 APPROVED ON 5-03-03.

**THE REGENT ON 5TH**

5TH AND MAPLE  
SAN DIEGO, CALIFORNIA 92103

REVISIONS		
NO	DESCRIPTION	DATE
1	SDP SUBMITTAL	08.13.13
2	SDP RE-SUBMITTAL	12.16.13
3	SDP RE-SUBMITTAL	03.11.14
4	SDP RE-SUBMITTAL	08.22.14
5	SDP RE-SUBMITTAL	11.07.14
6	PLANNING COMMISSION	05.29.15

SHEET TITLE:  
**OVERALL EXISTING SITE PLAN**



VESTING TENTATIVE MAP No. 1177933

PROJECT No. 335870

LEGEND

UTILITIES

LIGHT STANDARD . . . . .  
STREET LIGHT . . . . .  
ELECTRIC CABINET . . . . .  
ELECTRIC RISER . . . . .  
ELECTRIC METER . . . . .  
ELECTRIC TRANSFORMER . . . . .  
ELECTRIC VAULT, UNDERGROUND . . . . .  
ELECTRIC LINE . . . . .

TELEPHONE MANHOLE . . . . .  
TELEPHONE RISER . . . . .  
TELEPHONE LINE . . . . .

GAS METER . . . . .  
GAS VALVE . . . . .  
GAS LINE . . . . .

WATER METER . . . . .  
WATER VALVE . . . . .  
FIRE HYDRANT . . . . .  
BACK FLOW PREVENTER . . . . .  
WATER LINE . . . . .

SEWER MANHOLE . . . . .  
SEWER CLEAN OUT . . . . .  
SEWER LINE . . . . .  
ABANDONED SEWER LINE . . . . .

COMMUNICATION PULL BOX . . . . .  
COMMUNICATION LINE . . . . .

MONUMENTS

FOUND SURVEY MONUMENT AS NOTED . . . . .  
INDICATES RECORD DATA PER HORTON'S ADDITION . . . . .

IMPROVEMENTS

GUARD POST . . . . .  
SIGN . . . . .  
FENCE . . . . .  
WALL . . . . .  
CONCRETE . . . . .  
ASPHALT PAVING . . . . .  
EXIST. CURB & GUTTER . . . . .  
NEW CURB & GUTTER . . . . .  
SAWCUT LINE . . . . .  
NEW STREET LIGHT . . . . .

PROPOSED IMPROVEMENTS

PROPOSED SEWER LATERAL W/CLEANOUT . . . . .  
PROPOSED PRIVATE FIRE SERVICE . . . . .  
PROPOSED PRIVATE WATER SERVICE . . . . .  
PROPOSED SIDEWALK UNDERDRAIN PIPE (PER STD. DETAIL D-27) . . . . .  
PROPOSED CONCRETE SIDEWALK . . . . .  
PROPOSED ENHANCED CONCRETE SIDEWALK . . . . .

ABBREVIATIONS

INVERT ELEVATION . . . . .  
TOP OF CURB . . . . .  
EDGE OF PAVEMENT . . . . .  
FLOW LINE . . . . .  
OVERHEAD . . . . .  
OVERHEAD LIGHT . . . . .  
HANDICAP RAMP . . . . .  
PROPERTY LINE . . . . .  
NORTHERLY . . . . .  
WESTERLY . . . . .  
SOUTHERLY . . . . .  
EASTERLY . . . . .  
TOP OF WALL . . . . .  
BOTTOM OF WALL . . . . .  
DRIVEWAY . . . . .  
CORNER . . . . .  
POLYETHYLENE PIPE . . . . .  
CAST IRON . . . . .  
POLYVINYL CHLORIDE . . . . .  
PARKING METER . . . . .  
REDUCED PRESSURE BACKFLOW ASSEMBLY . . . . .

LANDSCAPING

PALM TREE . . . . .  
DECIDUOUS TREE . . . . .

PROPERTY DATA

PROPERTY LINE/VTM BOUNDARY . . . . .  
RIGHT-OF-WAY LINE . . . . .  
CENTER LINE . . . . .  
LOT LINE . . . . .

UTILITY TABLE

SERVICE	COMPANY	STATUS
TELEPHONE	AT&T	UNDERGROUND
ELECTRICITY	SDG&E	UNDERGROUND
GAS	SDG&E	UNDERGROUND
CABLE	COX	UNDERGROUND
WATER	CITY OF SD	UNDERGROUND
SEWER	CITY OF SD	UNDERGROUND

PRELIMINARY GRADING QUANTITIES

EARTHWORK QUANTITIES SHOWN ARE FOR BONDING AND PERMIT PURPOSES ONLY. ACTUAL QUANTITIES MAY VARY WITH SHRINKAGE, LOSSES DUE TO CLEARING OPERATIONS, REMOVAL & RECOMPACTION, TRENCHING, ETC.. CONTRACTOR SHALL VERIFY EXACT QUANTITIES PRIOR TO BIDDING.

GRADED AREA . . . . .  
CUT QUANTITIES . . . . .  
FILL QUANTITIES . . . . .  
EXPORT . . . . .  
APPROXIMATE FOUNDATION EXCAVATION: 2,400 [CYD]  
RETAINING WALLS LENGTH: 552'  
MAX. CUT DEPTH 19 [FT]  
MAX CUT SLOPE RATIO (2:1MAX) 4/1  
MAX. FILL DEPTH 9 [FT]  
MAX FILL SLOPE RATIO (2:1MAX) 4/1  
RETAINING WALLS MAX HEIGHT: 17.5'

STORMWATER NOTES

- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER 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.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCL) THE WPCL SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.

NOTE

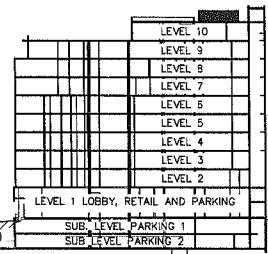
- OWNER/PERMITEE SHALL OBTAIN AN ENCROACHMENT MAINTENANCE REMOVAL AGREEMENT FOR THE PRIVATE ENHANCED CONCRETE WALKWAY IN THE 5TH AVENUE AND MAPLE AVENUE RIGHT OF WAYS, FOR THE MAINTENANCE OF STANDARD STORMWATER IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY (UNDER SIDEWALK DRAINS), AND FOR THE ENCROACHMENT OVER THE PROPERTY LINE OF THE NEW STANDARD DRIVEWAY ALONG MAPLE STREET (SEE ARCH. PLANS).
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE SUBDIVIDER 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.
- ADEQUATE SIGHT VISIBILITY AT THE INTERSECTION OF FIFTH AVENUE AND MAPLE STREET WILL BE PROVIDED BY MAKING THE VISIBILITY AREAS VISUALLY OPEN USING GLASS WALLS TO INDICATE TO MOTORISTS APPROACHING THE INTERSECTION THE PRESENCE OR ABSENCE OF A MOVING OR STATIONARY VEHICLE AND/OR PEDESTRIAN. ADEQUATE SIGHT VISIBILITY FOR VEHICLES LEAVING THE PROPOSED PARKING STRUCTURE WILL BE PROVIDED BY INSTALLING CONVEX SAFETY MIRRORS TO INDICATE TO MOTORISTS LEAVING THE PARKING STRUCTURE THE PRESENCE OR ABSENCE OF A MOVING OR STATIONARY VEHICLE AND/OR PEDESTRIAN IN THE RIGHT-OF-WAY.

LEVEL	UNITS/LEVEL	BEDROOMS	UNIT AREA
1ST - COMMERCIAL	0	0	7,408 S.F.
2ND - CONDOS	2	2	8,666 S.F.
3RD - CONDOS	2	2	8,666 S.F.
4TH - CONDOS	2	2	8,666 S.F.
5TH - CONDOS	2	2	8,666 S.F.
6TH - CONDOS	2	2	8,666 S.F.
7TH - CONDOS	2	2	8,653 S.F.
8TH - CONDOS	2	2	8,653 S.F.
9TH - CONDOS	2	2	8,311 S.F.
10TH - DUPLEX	1	1	3,764 S.F.
TOTAL	41	-	71,453 S.F.

BUILDING/RESIDENTIAL UNITS DATA

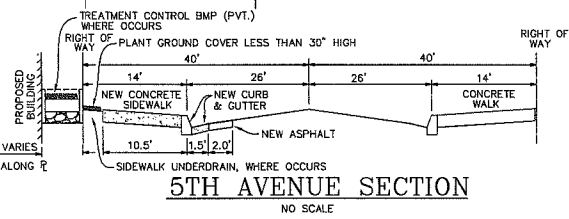
PARKING TABULATIONS

	REQUIRED	PROVIDED
AUTOMOBILE: 41 DWELLING UNITS x 1.75 =	72	72
RETAIL: 1,399 S.F. (2.5/1000 S.F.) =	3	3
TOTAL	75	75
MOTORCYCLE	5	5
BICYCLE	21	21
ACCESSIBLE PARKING	2	2

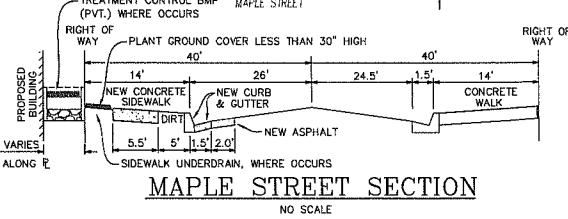


BUILDING SECTION

SCALE IN FEET  
1 INCH = 20 FT.



5TH AVENUE SECTION



MAPLE STREET SECTION



LANDSCAPE CONCEPT PLAN (STREET LEVEL)

**LANDSCAPE DESIGN STATEMENT**  
THE LANDSCAPE DESIGN OF THIS PROJECT PROVIDES A COMPATIBLE STREETSCAPE DESIGN WITH THE EXISTING NEIGHBORHOOD FABRIC TO PROMOTE A PEDESTRIAN FRIENDLY ENVIRONMENT. STREET TREES MATCHING THE EXISTING ADJACENT PROPERTIES AND PER THE MUNICIPAL CODE HAVE BEEN PROPOSED IN ADDITION TO FOUNDATION AND ACCENT PLANTING AT THE BUILDING EDGE. DECORATIVE PAVING IS PROPOSED AT THE BUILDING ENTRY TO CREATE A UNIQUE ENTRY EXPERIENCE WITH TEXTURE AND COLOR. DROUGHT TOLERANT AND EXPOSURE APPROPRIATE PLANT MATERIAL HAS BEEN SELECTED THROUGHOUT THE PROJECT TO MEET CURRENT WATER USE REQUIREMENTS AND ENSURE THE LONG TERM PROSPERITY OF THE PLANT MATERIAL.

GREEN SCREEN VINE TRELLIS ON WEST SIDE OF BUILDING (VINES SHALL BE PLANTED 10' O.C. AT BASE OF BUILDING AND 2nd FLOOR ROOF DECK PLANTERS)

GREEN SCREEN VINE TRELLIS ON WEST SIDE OF BUILDING (VINES SHALL BE PLANTED 10' O.C. AT BASE OF BUILDING AND 2nd FLOOR ROOF DECK PLANTERS)

GREEN SCREEN VINE TRELLIS ON WEST SIDE OF BUILDING (VINES SHALL BE PLANTED 10' O.C. AT BASE OF BUILDING AND 2nd FLOOR ROOF DECK PLANTERS)

EXISTING OFF-SITE STREET TREE

CONCRETE DRIVEWAY PER CIVIL ENGINEERS PLANS

CITY CORNER CLEAR ZONE, NO TREES AND NO SHRUBS ABOVE 30" IN HEIGHT

*The REGENT on 5th*  
BALBOA PARK INVESTMENTS, LLC

SAN DIEGO, CALIFORNIA

CONCEPT PLANTING LEGEND

NOTE: ALL PLANTS SHOWN ON LEGEND MAY ULTIMATELY NOT BE USED AND ADDITIONAL PLANTS MAY BE ADDED ON CONSTRUCTION DOCUMENTS.

TREES	BOTANICAL NAME	COMMON NAME	FORM	FUNCTION	SIZE	WUCOL
SYM. QTY.						
X	ARBUTUS UNEDO (MULTI TRUNK)	STRAWBERRY TREE	ROUNDED (10-12' SPREAD)	EVERGREEN, FOLIAGE TREE	36" BOX	LOW
2	CERCIS 'FOREST PANSY'	FOREST PANSY REDBUD	ROUNDED (10-14' SPREAD)	DECIDUOUS FLOWERING, FOLIAGE TREE	24" BOX	MEDIUM
4	JACARANDA MIMOSIFOLIA	JACARANDA	SPREADING (16-24' SPREAD)	DECIDUOUS FLOWERING CANOPY TREE	36" BOX	MEDIUM
4	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	VERTICAL ACCENT 60' TALL	EVERGREEN SKYLINE PALM	14' B.T.H.	LOW

EXISTING PLANT MATERIAL TO REMAIN PROTECTED IN PLACE

TREES	BOTANICAL NAME	COMMON NAME	FORM	FUNCTION	SIZE	WUCOL
	JACARANDA MIMOSIFOLIA	JACARANDA				
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM				

SMALL SHRUBS 1'-3' HEIGHT

SHRUBS	BOTANICAL NAME	COMMON NAME	FORM	FUNCTION	SIZE	WUCOL
	AEONIUM 'SALAD BOWL'	SALAD BOWL AEONIUM	ROUNDED	DECORATIVE MASSING SHRUB	1 GAL.	LOW
	AGAVE 'BLUE FLAME'	BLUE FLAME AGAVE	PYRAMID	4TH LEVEL ACCENT	1 GAL.	LOW
	ANISOZANTHOS FLAVIDUS	KANGAROO PAM	ERECT, GRASS LIKE	FLOWERING ACCENT SHRUB	1 GAL.	LOW
	ASPARAGUS 'MEYER'	MEYERS ASPARAGUS	ERECT, ARCHITECTURAL FORM	PLANTER POTS	1 GAL.	LOW

LARGE SHRUBS 3'-4' HEIGHT

SHRUBS	BOTANICAL NAME	COMMON NAME	FORM	FUNCTION	SIZE	WUCOL
	CORDYLIN 'RED STAR'	RED STAR CORDYLIN	ERECT GRASS-LIKE	ACCENT SHRUB	5 GAL.	LOW
	DRACAENA REFLEXA	VARIEGATED DRACAENA	TALL ROUNDED	VERTICAL ACCENT (SHADE)	15 GAL.	MEDIUM
	JUNCUS PATERNS	SPREADING RUSH	ERECT GRASS-LIKE	WATER QUALITY PLANTER	5 GAL.	MEDIUM
	RHAPHIOLEPIS U. MINOR	YEDDO HAMTHORN	ROUNDED, OVAL	FOUNDATION, SCREENING	5 GAL.	MEDIUM

GROUND COVERS

	COMMON NAME	FORM	FUNCTION	SIZE	WUCOL
	SENECIO MONTEVIDENSIS	BLUE PENCIL PLANT	SPREADING GROUND COVER	FLATS 12" O.C.	LOW
	CAREX TUMULICOLA	BERKELEY SEDGE	WATER QUALITY PLANTER	1 GAL. 20" O.C.	MEDIUM

VINES

	COMMON NAME	FORM	FUNCTION	SIZE	WUCOL
	CLYSTOMA CALLESTESIOIDES	LAVENDER TRUMPET VINE	CLIMBING	GREEN SCREEN VINE	15 GAL. MEDIUM
	DISTICTIS BUCINATORIA	RED TRUMPET VINE	CLIMBING	GREEN SCREEN VINE	15 GAL. MEDIUM

NOTE: PLANT MATERIAL QUANTITIES & CALCULATIONS DO NOT INCLUDE PLANT MATERIAL PROPOSED ON 2ND FLOOR FLOOR QUANTITIES & CALCULATIONS INDICATE PROPOSED PLANT MATERIAL FOR STREET LEVEL PLANTING ONLY.

NOTES

- ALL TREES WITHIN 10' OF ANY HARDSCAPE ELEMENT, SHALL RECEIVE ROOT BARRIERS.
- ALL SHRUB AREAS SHALL RECEIVE A 3" LAYER OF SHREDDED BARK MULCH.
- THERE IS ONE HYDROZONE FOR THIS PROJECT. MEDIUM HYDROZONE FOR ALL SHRUB AREAS. SEE SHEET (LC-03) FOR WATER CALCULATIONS.
- GREEN SCREEN SHALL BE PLANTED FROM THE TOP & BOTTOM WITH THE VINES LISTED IN THE PLANTING LEGEND.
- A STREET TREE PERMIT SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.

MINIMUM TREE SEPARATION DISTANCE:  
IMPROVEMENT/ MINIMUM DISTANCE TO STREET TREE  
TRAFFIC SIGNALS (TOP SIGN) - 20 FEET  
UNDERGROUND UTILITY LINES - 5 FEET  
UNDERGROUND WATER FACILITIES - 5 FEET  
ABOVE GROUND UTILITY STRUCTURES - 10 FEET  
DRIVEWAY (ENTRIES) - 10 FEET  
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET  
SEWER LINES - 10 FEET  
(NO TREES SHALL BE LOCATED IN ANY WATER SEWER OR DRY UTILITY BASINMENTS)

THE REGENT ON 5TH

5TH AND MAPLE



NO	DESCRIPTION	DATE
1st	SDP SUBMITTAL	08.13.13
2nd	SDP SUBMITTAL	12.16.13
3rd	SDP SUBMITTAL	03.11.14
4th	SDP SUBMITTAL	08.22.14
5th	SDP SUBMITTAL	05.28.15

LANDSCAPE CONCEPT PLAN

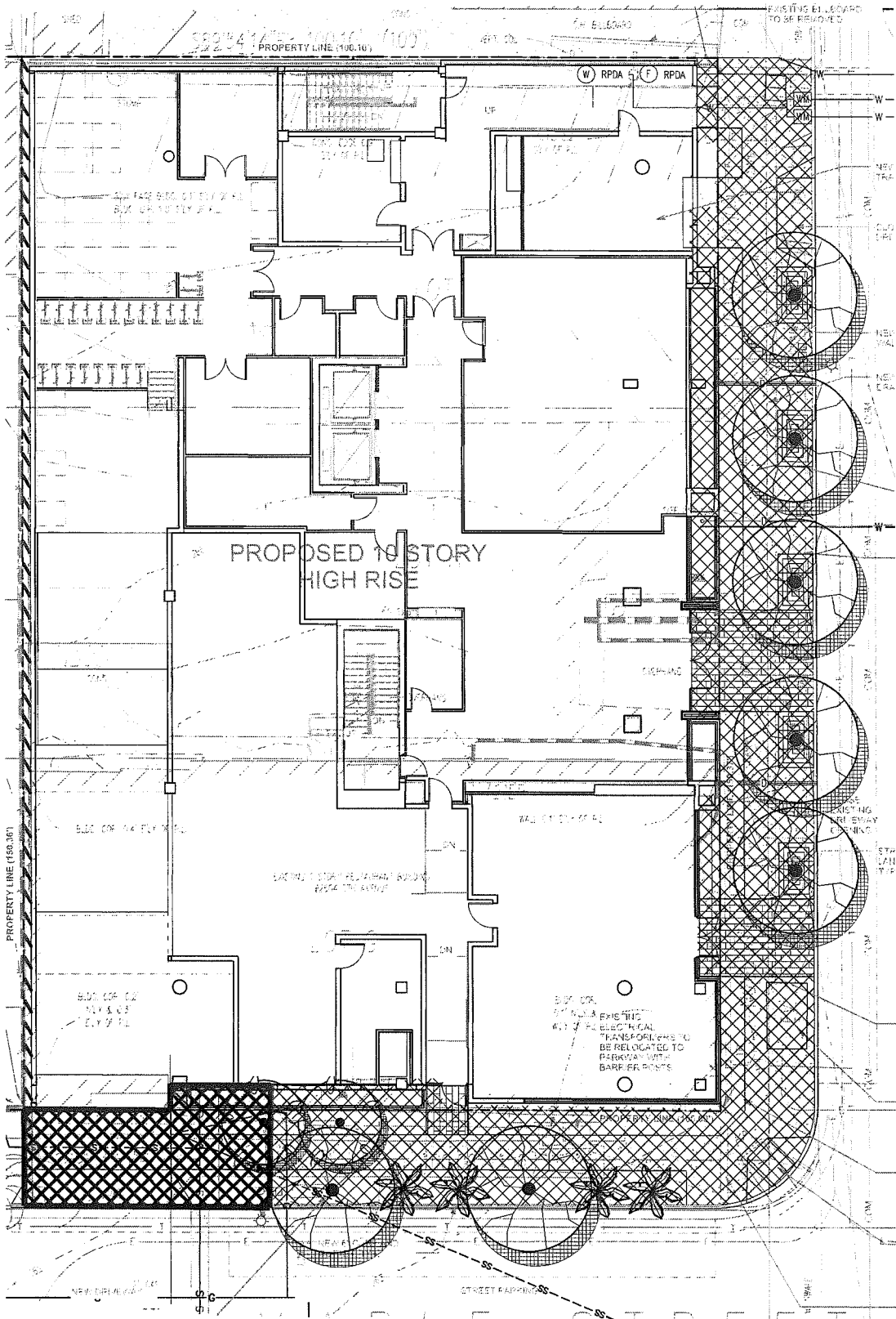
SHEET LC-01 OF 26

**gmp**  
LANDSCAPE ARCHITECTURE & PLANNING  
4070 S. San Diego Blvd.  
Suite 200  
San Diego, CA 92108  
gmplandscape.com  
760.536.8977

**AWBREY COOK MCGILL**  
architects  
1045 14th Street, Suite 100  
San Diego, CA 92101-5701  
Phone: (619) 398-3480

**ICON**  
PROPERTIES  
SAN DIEGO, CA

LANDSCAPE CALCULATIONS EXHIBIT



CITY OF SAN DIEGO WATER USE CALCULATIONS

LANDSCAPE WATER REQUIREMENTS WORKSHEET

This project worksheet is to be submitted to the City when the proposed development is subject to the water budget requirement in Chapter 14, Article 2, Division 4 (Landscape Regulations).

Project Name: **5th & MAPLE** Project #: **XXXX**  
Project Address: **NORTH WEST CORNER OF FIFTH AVENUE AND MAPLE**  
Individual/Business Completing the Worksheet: **GILLESPIE MOODY PATTERSON**  
Phone Number: **658-558-8477**

In the calculation below provide the values for the water budget calculation used for the proposed project. The ETo for the calculation may be based on the precise location of the project using the ETo Map or based on the ETo for the Community Planning Area in Table 6 of the Landscape Standards each of which follows:

$(.47) \times (0.62) \times (0.7) \times (3216) + (0.3) \times (0) = 66848 \text{ Gal./Yr.}$   
(=2414) (=2244)

Use the following table to look information about each controller in the system.

Controller No.	Hydrazone No.	Valve Circuit	Plant Factor (PF)	Hydrazone Area in s.f. (HA)	Irrigation Method	Irrigation Efficiency (IE)	% Total Landscape Area
A	MODERATE	A	5	3216	DRIP	90	100

Controller No.	$[(ETo)(0.62) \times (PF \times HA + IE) \times SLA]$	Result in Gallons per Year
A	$(.47) \times (0.62) \times 2414 \times (5 \times 3216 + 90 \times 1820) \times .90 = 66848$ $(.47) \times (0.62) \times 0000 \times (PF \times HA + IE) \times 0000 = 0000$	66848 gpy
Total ETWU gallons per year		66848 gpy

SUMMARY OF LANDSCAPE CALCULATIONS  
COMMERCIAL DEVELOPMENT, OR INDUSTRIAL DEVELOPMENT IN COMMERCIAL ZONES

STREET YARD: (3462 SQUARE FEET)	STREET YARD PLANTING: (1495 SQUARE FEET)
REMAINING YARD: (150 SQUARE FEET)	REMAINING YARD PLANTING: (150 SQUARE FEET)
VEHICULAR USE AREA IN STREET YARD (542 SQUARE FEET)	V.U.A. IN STREET YARD PLANTING (161 SQUARE FEET)
VEHICULAR USE AREA (6,000 S.F. OR GREATER): (0 SQUARE FEET)	VEHICULAR USE AREA PLANTING (0 SQUARE FEET)

STREET YARD CALCULATION NOTE:  
A POINT SCORE IN EXCESS OF THAT REQUIRED FOR A YARD AREA MAY BE USED TO REDUCE THE PLANTING REQUIRED FOR THAT YARD 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.

VEHICLE USE AREA CALCULATION NOTE:  
IF PLANTS AND PLANTING AREA PROVIDED WITHIN A STREET YARD OR REMAINING YARD TO MEET OTHER REQUIREMENT OF THIS DIVISION, INCLUDING VEHICULAR USE AREA AND RE-VEGETATION REQUIREMENT, THEY MAY BE USED TO SATISFY THE PLANTING AREA AND PLANT POINTS REQUIRED BY TABLE 142.04C. VEHICLE CORNER CLEAR ZONE IS INCLUDED IN VEHICULAR USE AREA.

CITY OF SAN DIEGO LANDSCAPE CALCULATIONS WORKSHEET

City of San Diego  
Development Services  
1225 F St. Ave. MS-505  
San Diego, CA 92101-4154  
(619) 448-5200

Landscape Calculations Worksheet  
Multiple Dwelling Unit Development in All Zones

Provide the following information on the Landscape Plans. The Landscape Calculations determine the planting area and points required by the Landscape Regulations, Chapter 14, Article 2, Division 4 of the Land Development Code.

STREET YARD

\* A minimum 45 sq. ft. planting area shall be provided for all trees, with no dimension less than 5 ft.  
\* At least one-half of the required planting points shall be achieved with trees.

Planting Area Required [142.043C]	Planting Area Provided	Excess Area Provided
Total Area 4004 sq. ft. x 50% = 2002 sq. ft.	1645 sq. ft.	0 sq. ft.

Planting Points Required [142.043C]	Plant Points Provided	Excess Points Provided
Total Area 4004 sq. ft. x 0.05 = 201 points	882 points	681 points

Points achieved with trees: 670 points

Planting Area allowable as landscape or unattached landscape [142.043C] (142.043C)	Plant Points Provided	Points Achieved with trees (at least 50%)
Total Area 0 sq. ft. x 10% = 0 sq. ft.	0 points	0 points

REMAINING YARD - 2 or more Dwelling Units

Plant Points Required	Plant Points Provided	Points Achieved with trees (at least 50%)
60 points in the remaining yard	70 points	0 points

REMAINING YARD - 3 or more Dwelling Units

Plant Points Required	Plant Points Provided	Points Achieved with trees (at least 50%)
60 points x # of buildings	points	Points

VEHICULAR USE AREA (VUA) - See separate worksheet (DS-5)

ADDITIONAL YARD PLANTING AREA AND POINT REQUIREMENTS

If any of the requirements of Landscape Regulations, Section 142.043C (a) 1, 2, or 3 apply to your project, provide a written summary explaining how requirements are being met.

Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services)  
Upon request, this information is available in alternative formats for persons with disabilities.  
DS-506 (03-09)

CALCULATIONS NOTE:  
CITY OF SAN DIEGO LANDSCAPE CALCULATIONS INCLUDE ALL LANDSCAPE AREAS AT THE STREET LEVEL. THE CITY OF SAN DIEGO WATER USE CALCULATIONS INCLUDE PLANTER AREAS LOCATED ON STREET LEVEL AND 4TH LEVEL. SEE LANDSCAPE CONCEPT PLAN SHEETS LC-01 & LC-02.

City of San Diego  
Development Services  
1225 F St. Ave. MS-505  
San Diego, CA 92101-4154  
(619) 448-5200

Landscape Calculations Worksheet  
Vehicular Use Areas (VUA)

Provide the following information on the Landscape Plans. The Landscape Calculations determine the planting area and points required by the Landscape Regulations, Chapter 14, Article 2, Division 4 of the Land Development Code.

One tree (minimum 24 inch dbh) is required within 30 ft. of each parking space. (If palm trees are used, one palm (minimum 6 ft. brown trunk height) is required within 15 ft. of each parking space.)

VEHICULAR USE AREA (VUA) - See separate worksheet (DS-5)

Planting Area Required: provide 40 sq. ft. per tree (with no dimension less than 5 ft.)

Plant Points Required	Plant Points Provided	Excess Points Provided
Total VUA 542 sq. ft. x 0.05 = 26 points	105 points	79 points

Points achieved through trees (at least half): 70 points

VEHICULAR USE AREA (VUA) - See separate worksheet (DS-5)

Required Planting Area	Planting Area Provided	Excess Area Provided
VUA inside Street Yard sq. ft. x 0.05 = sq. ft.	sq. ft.	sq. ft.
VUA outside Street Yard sq. ft. x 0.03 = sq. ft.	sq. ft.	sq. ft.

Required Plant Points	Plant Points Provided	Points Provided with Trees (at least half)
VUA inside Street Yard sq. ft. x 0.05 = points	points	points
VUA outside Street Yard sq. ft. x 0.03 = points	points	points

TEMPORARY VEHICULAR USE AREA (VUA) - See separate worksheet (DS-5)

Required Planting Area	Planting Area Provided
Length of Public Right-of-Way adjacent to VUA: ft. x 3 ft. = sq. ft.	sq. ft.

\* Provide planting area between Public Right-of-Way and VUA.  
\* Plant with evergreen shrubs.  
\* Shrubs must achieve a minimum height of 30" within 2 years of installation over at least 50% of the required planting area.

ADDITIONAL YARD PLANTING AREA AND POINT REQUIREMENTS

If any of the requirements of Landscape Regulations, Section 142.043C (a) 1, 2, or 3 apply to your project, provide a written summary explaining how requirements are being met.

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Upon request, this information is available in alternative formats for persons with disabilities.  
DS-5 (03-09)

THE REGENT ON 5TH

5TH AND MAPLE

REVISIONS		
NO	DESCRIPTION	DATE
1st	SDP SUBMITTAL	08.13.13
2nd	SDP SUBMITTAL	12.16.13
3rd	SDP SUBMITTAL	03.11.14
4th	SDP SUBMITTAL	08.22.14
5th	SDP SUBMITTAL	05.28.15

architects  
045 14th Street, Suite 100  
San Diego, CA 92101-5701  
Phone: (619) 398-3480

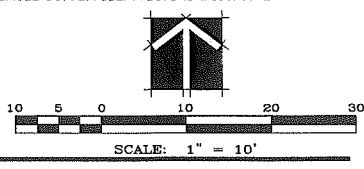
SAN DIEGO, CA

SHEET TITLE:  
**LANDSCAPE CALCULATIONS**

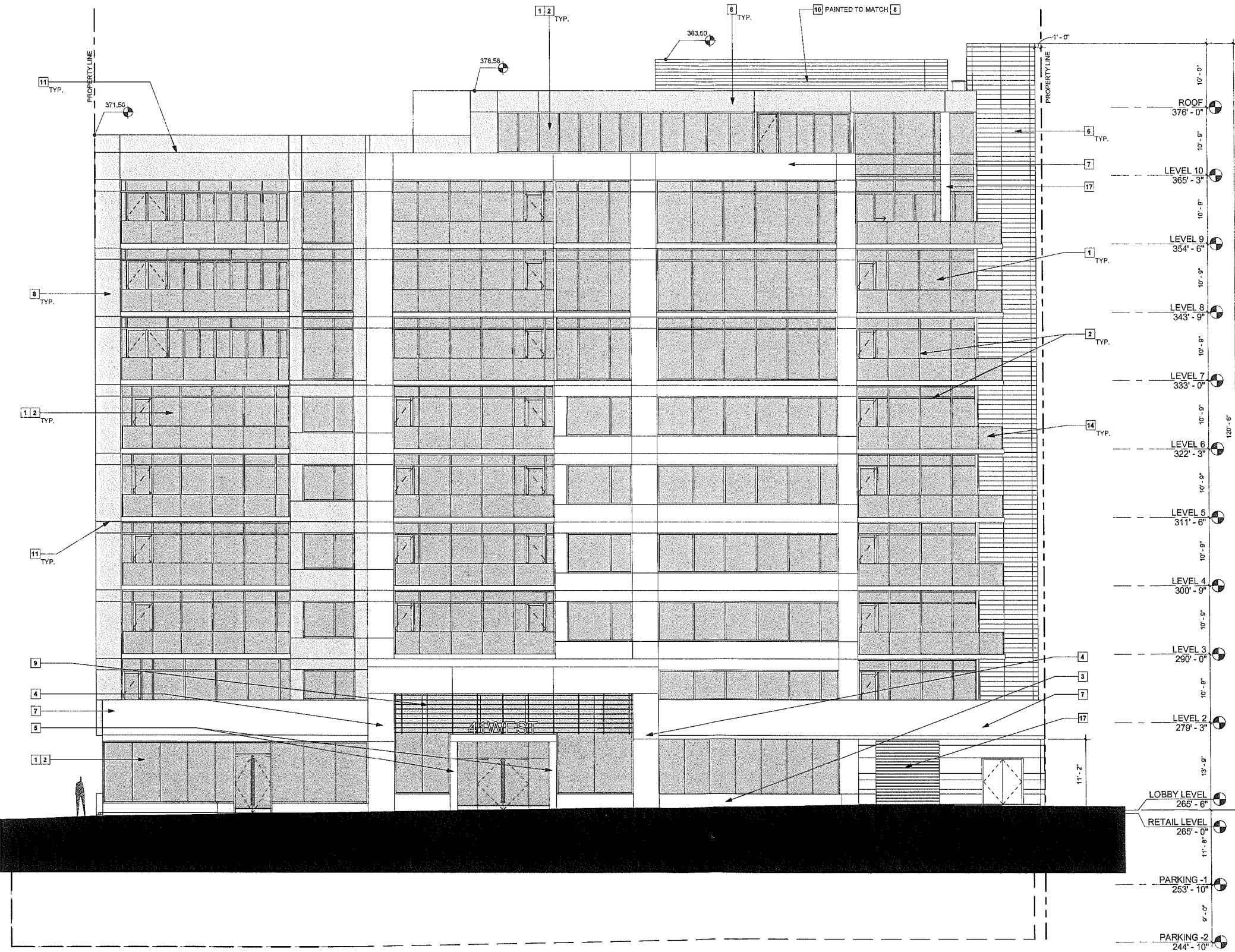
SHEET **LC-03** OF 26

4010 Sacramento Valley Blvd.,  
Suite 200,  
San Diego, CA 92108  
619.558.8277  
LANDSCAPE  
ARCHITECTURE  
& PLANNING

*The REGENT on 5th*  
BALBOA PARK INVESTMENTS, LLC  
SAN DIEGO, CALIFORNIA



1 2 3 4 5 6 7 8 9 10 11 12 14



1 EAST ELEVATION

KEYNOTES

- 1 LOW-E INSULATED CLEAR GLAZING, NO MORE THAN 30% REFLECTIVITY
- 2 ANODIZED ALUMINUM STOREFRONT  
ARCADIA, AB-7 DARK BRONZE
- 3 LIMESTONE 12X24 TILE  
THOMPSON BUILDING MATERIAL, COLOR: BENGAL, FINISH: HONED
- 4 THIN PORCELAIN CLADDING, CROSSVILLE - LAMINAM  
COLOR: NEVE #L0102.10207SAM
- 5 THIN PORCELAIN CLADDING, CROSSVILLE - LAMINAM  
COLOR: TREDJ CARBONIO #L2580.10207SAM
- 6 INTEGRALLY COLORED CEMENT COMPOSITE PANELS  
SWISS PEARL XPRESSIVE LIGHT GREY #8050
- 7 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 8 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
COLOR: SHERMAN WILLIAMS SW7046 ANONYMCUS
- 9 IPE SPECIES WOOD SCREEN
- 10 6'-0" HIGH ALUMINUM MECHANICAL SCREEN PAINTED TO MATCH 8
- 11 EIFS REVEAL (TYP.)
- 14 BUTT JOINED CANTILVERED GLASS RAILING
- 15 GREEN SCREEN PANELS
- 16 SHED STRUCTURE AT ADJACENT PARCEL
- 17 PAINT, COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 18 PAINTED MASONRY WALL, MATCH SW7015

THE REGENT ON 5TH

5TH AND MAPLE  
SAN DIEGO, CALIFORNIA 92103

REVISIONS

NO	DESCRIPTION	DATE
1	SDP SUBMITTAL	08.13.13
2	SDP RE-SUBMITTAL	12.16.13
3	SDP RE-SUBMITTAL	03.11.14
4	SDP RE-SUBMITTAL	08.22.14
5	SDP RE-SUBMITTAL	11.07.14
6	PLANNING COMMISSION	05.29.15

SHEET TITLE:

EXTERIOR ELEVATIONS

ACRM

ARCHITECTS + INTERIORS



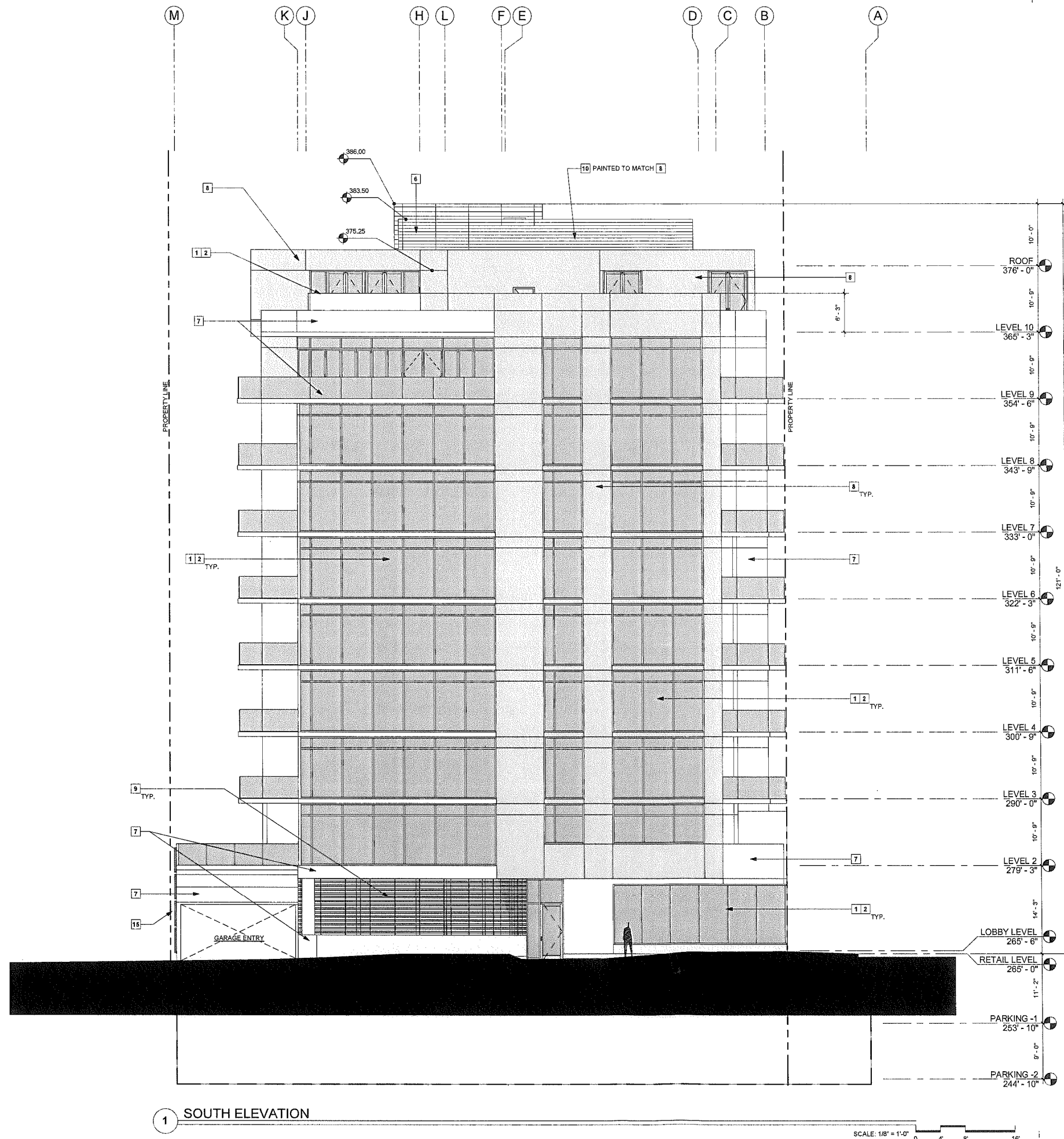
ICON  
PROPERTIES  
SAN DIEGO, CA

SHEET

OF

A.21





## KEYNOTES

- 1 LOW-E INSULATED CLEAR GLAZING, NO MORE THAN 30% REFLECTIVITY
- 2 ANODIZED ALUMINUM STOREFRONT  
ARCADIA, A8-7 DARK BRONZE
- 3 LIMESTONE 12X24 TILE  
THOMPSON BUILDING MATERIAL, COLOR: BENGAL, FINISH: HONED
- 4 THIN PORCELAIN CLADDING, CROSSVILLE - LAMNAM  
COLOR: NEVE #LO102.10207SAM
- 5 THIN PORCELAIN CLADDING, CROSSVILLE - LAMNAM  
COLOR: TREDI CARBONIO #L2680.10207SAM
- 6 INTEGRALLY COLORED CEMENT COMPOSITE PANELS  
SWISS PEARL, XPRESSIVE LIGHT GREY #8060
- 7 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 8 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
COLOR: SHERMAN WILLIAMS SW7046 ANONYMOUS
- 9 IPE SPECIES WOOD SCREEN
- 10 6'-0" HIGH ALUMINUM MECHANICAL SCREEN PAINTED TO MATCH 8
- 11 EIFS REVEAL (TYP.)
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- 16 SHED STRUCTURE AT ADJACENT PARCEL
- 17 PAINT, COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 18 PAINTED MASONRY WALL, MATCH SW7015

## THE REGENT ON 5TH

5TH AND MAPLE  
SAN DIEGO, CALIFORNIA 92103

### REVISIONS

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2	SDP RE-SUBMITTAL	12.16.13
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4	SDP RE-SUBMITTAL	08.22.14
5	SDP RE-SUBMITTAL	11.07.14
6	PLANNING COMMISSION	05.29.15

### SHEET TITLE:

EXTERIOR ELEVATIONS



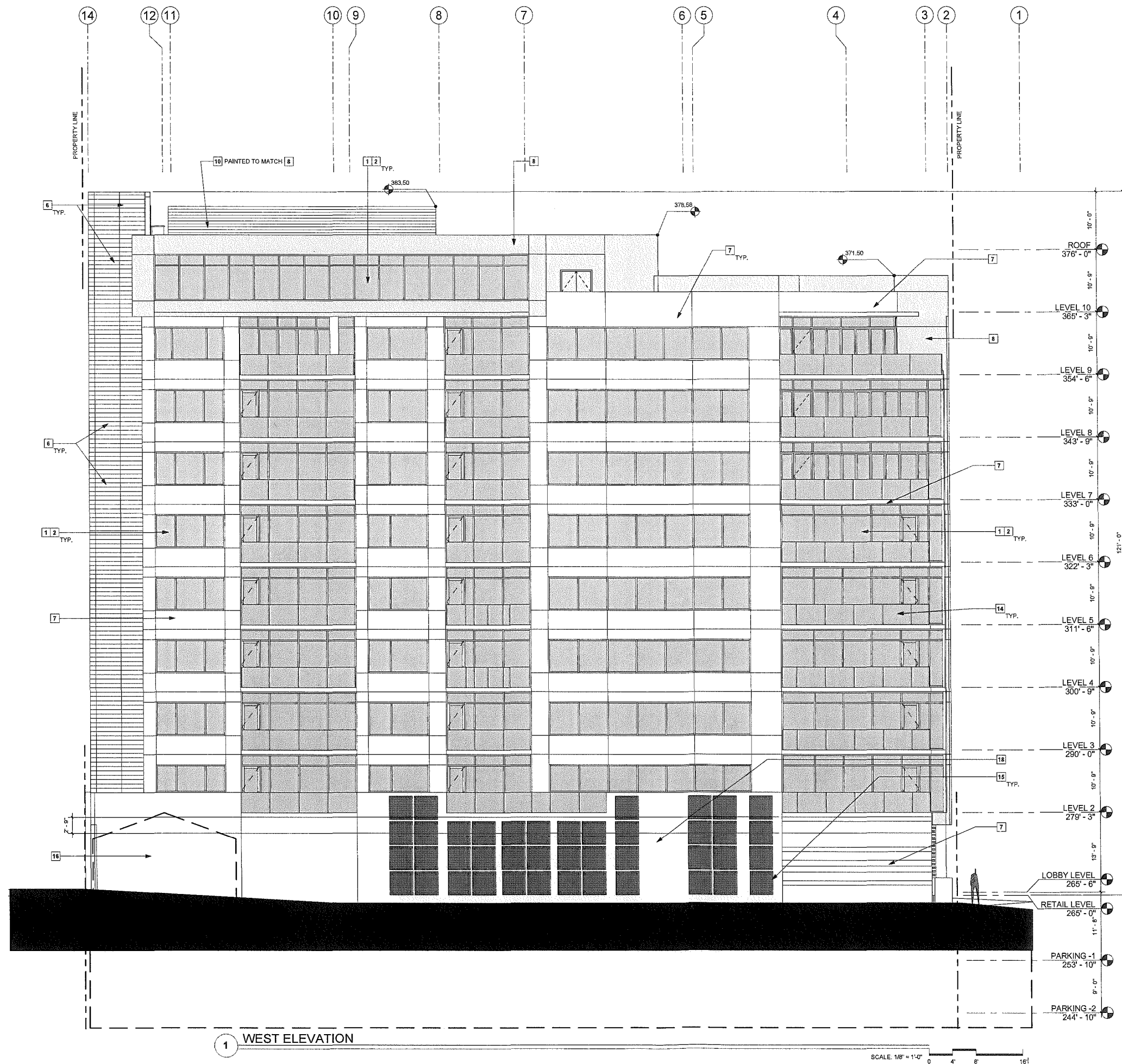
ARCHITECTS + INTERIORS



SHEET OF 131

A.22

SCALE: 1/8" = 1'-0"



## KEYNOTES

- 1 LOW-E INSULATED CLEAR GLAZING, NO MORE THAN 30% REFLECTIVITY
- 2 ANODIZED ALUMINUM STOREFRONT  
ARCADIA, AB-7 DARK BRONZE
- 3 LIMESTONE 12X24 TILE  
THOMPSON BUILDING MATERIAL, COLOR: BENGAL, FINISH: HONED
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COLOR: NEVE #LO102.10207SAM
- 5 THIN PORCELAIN CLADDING, CROSSVILLE - LAMNAM  
COLOR: TREDI CARBONIO #L2580.10207SAM
- 6 INTEGRALLY COLORED CEMENT COMPOSITE PANELS  
SWISS PEARL, XPRESSIVE LIGHT GREY #8500
- 7 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 8 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
COLOR: SHERMAN WILLIAMS SW7046 ANONYMOUS
- 9 IPE SPECIES WOOD SCREEN.
- 10 6'-0" HIGH ALUMINUM MECHANICAL SCREEN PAINTED TO MATCH 8
- 11 EIFS REVEAL (TYP.)
- 14 BUTT JOINED CANTILVERED GLASS RAILING
- 15 GREEN SCREEN PANELS
- 16 SHED STRUCTURE AT ADJACENT PARCEL
- 17 PAINT, COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 18 PAINTED MASONRY WALL, MATCH SW7015

## THE REGENT ON 5TH

5TH AND MAPLE  
SAN DIEGO, CALIFORNIA 92103

### REVISIONS

NO	DESCRIPTION	DATE
1	SDP SUBMITTAL	08.13.13
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4	SDP RE-SUBMITTAL	08.22.14
5	SDP RE-SUBMITTAL	11.07.14
6	PLANNING COMMISSION	05.29.15

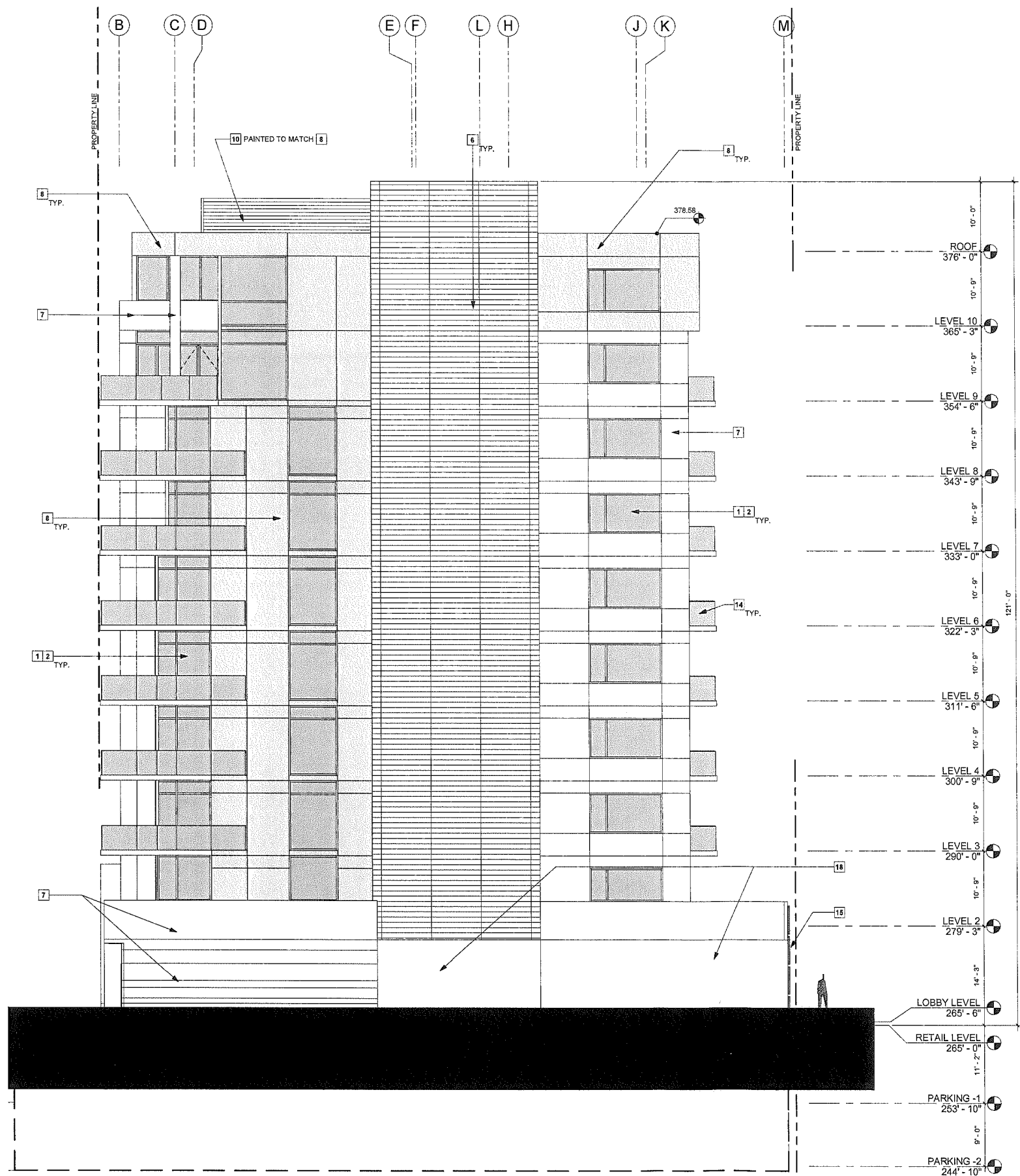
### SHEET TITLE:

EXTERIOR ELEVATIONS



SHEET OF

A.23



1 NORTH ELEVATION

## KEYNOTES

- 1 LOW-E INSULATED CLEAR GLAZING, NO MORE THAN 30% REFLECTIVITY
- 2 ANODIZED ALUMINUM STOREFRONT  
ARCADIA, AB-7 DARK BRONZE
- 3 LIMESTONE 12X24 TILE  
THOMPSON BUILDING MATERIAL, COLOR: BENGAL FINISH: HONED
- 4 THIN PORCELAIN CLADDING, CROSSVILLE - LAMINAM  
COLOR: NEVE #LO102.10207SAM
- 5 THIN PORCELAIN CLADDING, CROSSVILLE - LAMINAM  
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- 6 INTEGRALLY COLORED CEMENT COMPOSITE PANELS  
SWISS PEARL, XPRESSIVE LIGHT GREY #6060
- 7 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 8 SMOOTH DRYVIT REFLECTIT COATING OVER EIFS SYSTEM  
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- 14 SHED STRUCTURE AT ADJACENT PARCEL
- 15 PAINT, COLOR: SHERMAN WILLIAMS SW7015 REPOSE GRAY
- 16 PAINTED MASONRY WALL, MATCH SW7015

## THE REGENT ON 5TH

5TH AND MAPLE  
SAN DIEGO, CALIFORNIA 92103

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1	SDP SUBMITTAL	08.13.13
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4	SDP RE-SUBMITTAL	08.22.14
5	SDP RE-SUBMITTAL	11.07.14
6	PLANNING COMMISSION	05.29.15

### SHEET TITLE:

EXTERIOR ELEVATIONS

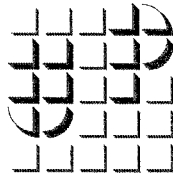


SHEET OF

A.24

SCALE 1/8" = 1'-0" 0 4' 8' 16'





**UPTOWN PLANNERS**  
Uptown Community Planning Group

AGENDA

**NOTICE OF PUBLIC MEETING**

**JULY 1, 2014**

**Meeting Minutes**

Meeting Place: Joyce Beers Community Center, Uptown Shopping District

Meeting called to order by at 6:00 p.m. by Chair Leo Wilson

Present: Gary Bonner, Rhett Butler, Bob Grinchuk, Neil Ferrier, Tom Fox, Bob Daniel, Leo Wilson, Ken Tablang, Ernie Bonn, Jennifer Pesqueira, Beth Jaworski, Tony Winney, Tom Mullaney, Matt Winter,

Absent: Chris Ward, Joe Naskar, Jim Mellos

Approximately 70 individuals in attendance;

Adoption of Agenda

Chair Wilson indicated San Diego Pride had inadvertently not obtained a letter of support from Uptown Planners for the 40<sup>th</sup> Annual Pride Event to be held July 18-20, 2014, Wilson requested that the letter of support be added to the agenda as an action item. It would take a 2/3 vote to add the letter of support as an urgency item. Ferrier made a motion to add the 40<sup>th</sup> Annual Pride Event letter of support to the agenda, seconded by Winney – motion passed by a 14-0-1 vote, with non-voting chair abstaining.

Motion by Butler, seconded by Ferrier, to move Action Items VI, nos. 4 and 5: Letter of Support for the Nightmare on Normal Street, and Letter of Support for the 25<sup>th</sup> Annual AIDS Walk, as well as the Letter of Support for 40<sup>th</sup> Annual Pride, to the Consent Agenda. The motion passed by a 13-0-1 vote, with non-voting chair abstaining.

Motion to approve the July 1, 2014 agenda, as amended, made by Bonn, seconded by Daniel; approved by a 12-0-1 vote; with non-voting chair abstaining.

Approval of Minutes:

Motion to approve the April 8, 2014 minutes by Ferrier, seconded by Daniel, approved by a 12-0-1 vote; non-voting Chair Wilson abstaining;

Treasurer's Report:

Treasurer Fox reported that the bank account had a total of \$265.05. Tony Winney provided the Treasurer an invoice for the website of \$119.40.

#### Chair's Report:

Chair Wilson announced that board member Joe Naskar had submitted his resignation; Naskar was moving out-of-state. Chair stated the vacancy would be formally noticed on the August agenda, and the vacant seat filled at the September board meeting.

Chair recommended that the Uptown Planners Design Review Subcommittee again meet on a regular basis, since there was likely going to be an increase in projects coming before Uptown Planners.

#### **Non Agenda Public Comment**

Walt Chambers, from Hillcrest, spoke regarding mobility issues in Uptown, and the need to encourage alternative transportation to address climate change. Chambers distributed a hand-out entitled Uptown21C that addressed transportation issues.

Susan McNeil Schreyer, the new director of the Mission Hills BID, introduced herself.

Ken Tablang spoke about a special event Independence Day event sponsored by the Mission Hills Town Council was putting on July 4, 2014, that would involve both a parade and BBQ.

Luke Terpstra, President of the Hillcrest Town Council, spoke about that organization's next meeting on July 8, 2013; at which representatives from San Diego Pride would be in attendance.

Ernie Bonn, from the University Height Community Development Corporation, provided an update that organization's summer concert series in the Trolley Barn Park.

#### **Representatives of Elected Officials:**

Jessica Poole, representing Congressman Susan Davis, distributed her office's monthly news letter; and spoke about the town hall meetings that Susan Davis would be attending.

Adriana Martinez spoke regarding the legislative activities of Council President Todd Gloria, including his proposal to raise the minimum wage; Gloria was now supporting a compromise proposal to raise the minimum wage less than he had originally suggested.

#### **Consent Agenda:**

Motion by Ferrier, seconded by Bonner, to approve the consent agenda consisting of the following three letters of support; the motion passed by a vote of 13-0-1, non-voting chair abstaining.

1. **LETTER OF SUPPORT FOR NIGHTMARE ON NORMAL STREET** – Hillcrest – The event will take place on October 25, 2014, at the corner of Normal Street and University Avenue.
2. **LETTER OF SUPPORT FOR AIDS WALK** – Hillcrest -- The 25<sup>th</sup> Annual AIDS Walk will be held at a new location on Normal Street, between University Avenue and Lincoln Street on September 27, 2014.
3. **LETTER OF SUPPORT FOR 40<sup>TH</sup> ANNUAL PRIDE EVENT** – Hillcrest/Balboa Park – The event will take place from July 18, 2014 to July 20, 2014.

## Informational Items:

1. **AIRPORT DEVELOPMENT LANDS USE PLAN OVERVIEW** – Presentation by Keith Wilschetz of the San Diego Regional Airport Authority; the Airport Development Plan (ADP) is in the next master planning phase for the San Diego International Airport. The ADP is designed to identify improvements that will enable the airport to meet demand through 2035, which is approximately when projected passenger activity levels will reach capacity for the airport's single runway. An additional runway is not being considered.

Keith Wilschetz spoke on behalf of the San Diego Regional Airport Authority, and presented a power point presentation. He indicated the airport was in the process of preparing its next airport master plan, which would last until the year 2035. At that point, the one runway of the airport would be at capacity; there would be no way for the airport to accommodate further demand. The existing airport is only 661 acres; the average airport is 3,000 acres.

Among other improvements, Terminal One would be replaced, and more close-in parking would be built. Southwest Airlines, which accounts for 40% of the passengers at the airport, would have a new facility. There were plans to decrease Harbor Island traffic, and have a separate access road from the east side of the airport to the west side, relieving traffic congestion. Among users of the new road would be shuttles serving the rental car agencies on the east side of the airport. The expansion would allow for more passenger gates at the terminals, and more jet parking;

During public comment, Renee Bonner inquired how much traffic would be diverted off Harbor Drive by the proposed plan; it was indicated that the shuttle would likely be used by 20% of the airport users. Roy Dahl and Rich Gorin spoke of the impact of the project upon Hillcrest.

After public comment, board members commented, inquiring, among other things, if an underground tunnel between the west and east side of the airport was feasible (it was not because of the high water table); and whether they had considered an overhead tramway or solar roads.

2. **NEW MISSION HILLS/ HILLCREST LIBRARY** -- Mission Hills/ Hillcrest -- Presentation about the design of the new Mission Hills/ Hillcrest Library; Mosher Drew Architects; the new library will be a single-story, 15,000 sq. ft. building on top of two levels of underground parking that will contain approximately 85 parking spaces. The building will be LEEDS Silver certified. A \$10 million dollar private donation helped fund the project.

Anthony Bernal, from the City Council President's Office, made the presentation of the project. Also present was Charles Goldberg, from city capital projects; and Bruce Johnson, from city library staff. Bernal indicated two large donors had come forward, and it was considered important to move the project forward in an expedited manner

Eric Soldau spoke on behalf of the architect for the project, Mosher Drew. The donors have requested the project be designed to fit in with the existing community character of Mission Hills. The design incorporated traditional materials, and is in a craftsman style. Comments on the design had been obtained from Friends of the Library, Mission Hills Town Council, Mission Hills Heritage, and Hillcrest Town Council.

The library would be two stories; and about 15,000 square feet in size. Entry would be from Front Street to avoid the noise on Washington Avenue. There would be transparency along Washington Avenue and Front Street to increase lighting.

There would be 85 parking spaces in an underground parking garage. The landscaping would be drought resistant. The RFP process for the project will begin in approximately April 2015.



During public comment, Barry Hager, of Mission Hills Heritage, spoke in favor of the project, Walt Chambers, Hillcrest resident, felt a craftsman design was out of place on Washington Street. Emily Yeazell, Peggy H. from Mission Hills, Rich Gorin and Patricia Lundberg from Hillcrest, and Ben Baltic from Bankers Hill spoke in favor of the project. Baltic inquired if there would be bicycle facilities; Gorin inquired about access to the library from Hillcrest to the south. Sharon Gehl felt there should also be a garden on the site, and thought the library might be too small.

Board comments were favorable to the project; in particular supporting the addition of more parking in the area the library will be located. Bonn inquired whether the library would be a joint use facility with Florence Elementary School; Bernal indicated it would not be because of the private funding involved.

3. **UNIVERSITY AVENUE REGENTS CENTER (“HUB -- HILLCREST UPTOWN PLAZA”)**  
– Hillcrest – Presentation by Greg Sadowsky, VP Regency Centers, regarding the revitalization plan for the Uptown District Shopping Center, originally built in 1989; which will include custom murals, sculptural art and new landscaping; as well as colorful way-faring signs and additional outdoor space.

Greg Sadowsky made the presentation on behalf of the applicant. The architect who originally did the new design for the project was Graham Downes, who died in 2013. The current project design has retained the concept plan Downes developed. The project will have Leed lighting and there will be signage changes. The project will incorporate art, and create a more open feel and greater connectivity with the surrounding street. The name will be changed to HUB; and there will be new restaurants and possible nightspots.

During public comment Mat Wahlstrom commented on the jaywalking that regularly takes place on University Avenue between 10<sup>th</sup> Avenue and Vermont; Jim Frost inquired whether a crosswalk could be placed mid-block on University Avenue. Roy Dahl pointed out that the current Uptown Center turned its back on University Avenue, and needs to have more of a street-oriented focus

The board comments were generally favorable; issues were raised regarding the proposed planters and the entryways.

4. **2850 SIXTH AVENUE (“SIXTH AVENUE MEDICAL CENTER”) DEVELOPMENT PROJECT:** – **Substantial Conformance Review** – Bankers Hill/Park West -- Presentation by Jim McMenamin, of Zephyr Partners, about modifications to a previously entitled 75-unit residential project that will be built at the current site of the Sixth Avenue Medical Center, located at 2850 Sixth Avenue; the project consists of a 13-story residential tower along Fifth Avenue with commercial and retail space, and three stories of townhomes and residential flats along Sixth Avenue; above three levels of underground parking.

Jim McMenamin made the presentation on behalf of Zephyr Partners. A project had been approved at the site in 2006, which was never built. Zephyr Partners has purchased the site and will build under the existing plans, with some modifications which will be subject to the substantial conformance review process. The project is 13-stories tall, and approximately 150-feet in height. There will be 64 condominiums in the east tower of the project which will border Fifth Avenue; low rise townhomes will be on the Sixth Avenue side of the project. The condos will be at a high end price range.

The proposed modifications to the project include reducing the unit count to 64 from 75; and reducing the size of the project to 147,000 sq. ft. There will be an active street scene, including 4,300 sq. ft. of retail – although the applicant indicated some hesitancy about restaurant use.

During public comment, Ed Samiljan, a Bankers Hill resident indicated a concern over the 150-foot height of the building. John Lamb inquired on height compared with the previously approved project (they are about the same), and Ben Baltic questioned if the tower would create a shadow over Balboa Park – the applicant pointed out the tower was on the Fifth Avenue side of the project, and there would not be any



shadowing. Jeff Gilbert and Alex B. also commented on the project; several public comments suggested a restaurant be included in the retail; Matt Wahlstrom suggested preference be given to local businesses for the retail.

#### **Potential Action Item: Planning and Special Events:**

1. **2604 FIFTH AVENUE SDP & VESTING TENTATIVE MAP ("THE REGENT ON 5<sup>TH</sup>") – Process Four** – Bankers Hill/Park West -- Site Development Permit & Vesting Tentative Map to consolidate lots, demolish an existing restaurant, & construct 37 residential condominium units in a 124,255 sq. ft. residential bldg., with deviations to sight angle & street wall setbacks at 2604 Fifth Avenue & no development at 406 Maple Street. The 0.69 acre site is in the CV-1 & NP-1 zones.

Bruce Leidenberger made the presentation on behalf of the applicant. The project was continued from the May 6, 2014 meeting of Uptown Planners, after concerns were raised regarding the project's parking being above ground, and no retail being located on the ground floor.

Leidenberger indicated the project design had been revised to place parking underground, and to include retail on the corner of the ground floor. The building height had been reduced by two floors, so the north side that had been at 124-feet in height, was now 113 feet in height; and the south side that had been 104-feet in height, was reduce to 97-feet. Although the height would be reduced, the residential unit count increased from 37 to 41, with an additional residential floor. Additional setbacks had also been added; to help break up the massing. Leidenberger did respond to criticism of the survivability of a "living wall" which had been expressed at the May meeting, and pointed out there was a very successful living wall at Fashion Valley Mall in Mission Valley.

Public comment was made by Jim Frost, who had made the power point presentation in opposition to the original project in May Frost indicated he had met with Leidenberger, and he had reviewed the revised project and was now in support of the project. Frost submitted correspondence in support of the project prior to the meeting, which had been distributed to the board. Frost spoke highly of the collaborative effort to resolve the issues the community had with the applicant.

Bruce Dammann and John Percy, Bankers Hill residents, also spoke in favor of the revised project; and supported Frost's comments. Roy McMakin spoke in favor of the revised project, and in particular about the addition of retail.

Board comments were all favorable to the revised project. Motion by Ferrier, seconded by Grinchuk, to approve the revised project as presented at the July 1, 2014 meeting; motion passed 13-0-1, with non-voting chair abstaining.

2. **2730-2732 FIRST AVENUE ('MCMAKIN/CASTELL NDP AMENDMENT') – Process Three** – Bankers Hill/Park West -- Application for a Site Development Permit (for ESL and deviations per a Mid-City Development Permit) to construct three dwelling units (duplex and single family residence) with detached garages and carports on a vacant 0.20 acre site. One residential building is approximately 3,515 sq. ft. with one unit; while the other is an approximately 5,167 sq. ft. duplex. MR-1000 Zone, Brush Management, Very High Fire Hazard Severity Zone, Outdoor Lighting Zone, Resident Tandem Parking Overlay, AAOZ, Part 77.

Roy McMakin, who is the co-applicant along with Mike Jacobs, made the presentation.

The project site formerly had a single family house on it that was built in 1910 It had been previously removed from the site. A new single family home project had been presented to Uptown Planners in April 2010 with the name "Rhude Residence." It had not been built.

Project site contains sensitive lands, and is in a high fire propensity zone.

McMakin explained the project deviations, and other issues contained in the assessment letters. There was disagreement with staff as to whether the outdoor covered parking proposed in the project would be considered enclosed parking. The project also was in an area adjacent to canyons with flammable brush; which required other forms of fire protection. The zoning for the site called more a higher unit count; however, the amount of units was limited by the sensitive lands and it being located in a high fire propensity zone.

Public comment in support of the project was made by Walt Chambers and Jeannie Rawlings, who liked the unique design

The majority of board members expressed support for the project; however, Bonner objected to the setbacks and indicated it was "the wrong project for the site. Butler did not like the brick feature of the walls.

Motion by Winter, seconded by Pesqueira, to approve the project as presented; Motion passed by a vote of 9-4-1; Winter, Pesqueira, Grinchuk, Daniel, Tablang, Ferrier, Fox, Mullaney, Jaworski voting in favor; Bonner, Bonn, Butler, Winney voting against; non-voting chair Wilson abstaining.

**3. 4235 THIRD AVENUE TENTATIVE MAP – Process Four – Hillcrest – Tentative Map to convert six existing two-bedroom residential units into condominiums on a 0.206 acre lot; MR-800B Zone.**

Nancy Cole, engineer for the project, spoke on behalf of the applicant. The project already has been permitted and the applicant is presenting the tentative map which divides the project into separate condominium units pursuant to state law, with the potential for each to have independent ownership. Uptown Planners review is limited to ensuring that the tentative map is in compliance with state and municipal law.

The applicant was informed by the Chair that a standard condition attached to all condominium projects in Uptown by the board includes the requirement of undergrounding of utilities. There was no public comment

Motion by Fox, seconded by Grinchuk, to approve the 4235 Third Avenue Tentative Map as presented, subject to the standard Uptown Planners conditions regarding condominium conversions; motion passed by a 13-0-1 vote, with non-voting chair abstaining.

**Community/Board Reports:**

Stephen Whitburn, the Director of San Diego Pride, spoke briefly, and thanked the board for voting to approve the belated letter of support for the July Pride event.

**Adjournment:**

Motion to adjourn approved at approximately 9:00 p.m.

Respectfully submitted,

Leo Wilson  
Acting Secretary

## **OWNERSHIP DISCLOSURE**

The Regents on Fifth  
Project No. 335870

Owners:

Neo Romax, Incorporated  
Charlie Kim, Principal

AJT Mandarin, LLC, a California Limited Liability Company  
AJ Tangsoc, sole member

