

RESOLUTION NUMBER R-293936

ADOPTED ON OCTOBER 3, 2000

WHEREAS, UCVGP, Inc., Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit [CUP] to construct 599 new senior apartments and eighty assisted living units and to renovate the remaining 510 senior apartment units for the University City Village project, located at 4633 Governor Drive, and legally described as University City Unit 9, Lots 1-4, Map No. 5100, City and County of San Diego, in the University Community Plan area, in the existing RS-1-7 zone (previously referred to as R-1-5000) which is proposed to be rezoned to the RM-1-2 zone (previously referred to as R-2500); and

WHEREAS, on August 17, 2000, the Planning Commission of the City of San Diego considered CUP No. 98-0408, and pursuant to Resolution No. 2998-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on October 3, 2000, testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council adopts the following findings with respect to CUP No. 98-0408:

I. CONDITIONAL USE PERMIT FINDINGS, SAN DIEGO MUNICIPAL CODE SECTION 101.510

A. The proposed use will not adversely affect the neighborhood, the Progress Guide and General Plan, or the community plan, and, if conducted in conformity with the conditions provided by this permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The project proposes to improve and add additional units to an existing senior apartment project known as University City Village [Village]. The Village currently consists of 590 senior apartments on a seventy-five acre site in the University Community Plan area. Proposed improvements include adding second levels to existing single level units, constructing an additional 599 units, eighty assisted living units, landscaping and associated parking. The site is currently zoned RS-1-7 (previously referred to as R-1-5000) and requires a rezoning to RM-1-2 (previously referred to as R-2500). For consistency between the proposed zoning and community plan, an amendment to the University Community Plan is required to redesignate the site from single family (5-10 dwelling units/acre) to multi-family (15-30 dwelling units/acre). Removal of the Single Family Overlay Zone is also necessary since the site is not currently, nor is it proposed to be developed for single family use.

A CUP allows development of a senior housing project on the site. Because the project has been designed to be in conformance with all applicable City codes and policies, and if conducted in conformity with the conditions that have been applied to the CUP, the proposed project will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

B. The proposed use will comply with the relevant regulations of the San Diego Municipal Code for this site.

The project has been designed in compliance with all applicable regulations of the San Diego Municipal Code in effect for the site.

II. RESOURCE PROTECTION ORDINANCE FINDINGS, SAN DIEGO MUNICIPAL CODE SECTION 101.0462

A. The proposed development will be sited, designed and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.

The proposed University City Village Apartment project consists of improvements and additions to an existing residential development. The project currently consists of 510 units on 75 acres of land. The proposed improvements include an additional 599 units for a total of 1,109 senior units. Proposed improvements include adding second levels to existing single-story units, constructing an additional 599 senior units and associated parking, clearing a 110-foot-wide Brush Management Zone for fire protection, and upgrade improvements to an existing sewer line. The majority of the construction and renovation for the University Village Apartments will occur on-site within the existing developed area and would not result in adverse impacts to sensitive natural resources and environmentally sensitive areas.

Two sensitive habitats, southern mixed chaparral and coast live oak woodland, have been identified within brush management areas. Approximately 0.5 acre of southern mixed chaparral and 0.5 acre of coast live oak woodland is located within Brush Management Zone One. Project development plans have been modified to retain both isolated occurrences of southern mixed

chaparral and coast live woodland located within Brush Management Zone One. Brush management activities will therefore fully avoid impacts to identified sensitive resources.

As required by the City, the existing sewer line serving the site will be upgraded to accommodate additional sewer needs generated from project development. The connection to the sewer mainline, located in San Clemente Canyon, lies within the Multiple Habitat Planning Area [MHPA] of the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The 15-foot-wide open trench required for construction of the sewer the improvement would impact approximately 0.2 acre of non-native vegetation and 0.06 acre of southern sycamore-alder riparian woodland. To the extent possible, all efforts have been made to minimize the sewer line construction trench width, as a means to reduce potential impacts to sensitive natural resources and environmentally sensitive areas. All construction for the sensitive biological resources in this area will be fully mitigated through on-site restoration within the adjacent Marian Bear Memorial Park. This revegetation would be implemented at a 3:1 ratio and would be completed prior to commencement of the project. Thus, disturbance to sensitive biological resources which would occur as part of the project has been minimized.

B. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.

The proposed University City Village Apartment project is located between State Route 52 and Governor Drive. Residential development is found to the north, east and west of the site. A baseball diamond and public park, "University Garden Park" is also located north of the site. The site is not in or directly adjacent to the MSCP or MHPA.

The only impact would be for an off-site sewer upgrade/improvement area which is located in a portion of the MHPA in Marian Bear Park south of SR-52. A small portion of the sewer line improvement would impact southern sycamore-alder riparian woodland. To the extent possible, all efforts have been made to minimize the 15-foot sewer line trench width, as a means to reduce potential impacts to sensitive natural resources and environmentally sensitive areas. All construction for the sewer line improvement will occur within an existing sewer line easement. Mitigation for project impacts to sensitive biological resources within Marian Bear Memorial Park will be fully mitigated through on-site restoration within the park to reduce anticipated impacts to environmentally sensitive resources. This revegetation would be implemented at a 3:1 ratio and would be completed prior to commencement of the project. The small amount of disturbance resulting from the sewer line upgrade would not significantly impact sensitive habitats and resources located in adjacent parks and recreation areas.

C. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood or fire hazards.

The alterations to the site will be minimized. A 15-foot-wide trench is required for the construction of the upgraded sewer line. All construction for the sewer line will occur within an existing sewer line easement and there will be on-site restoration to reduce anticipated impacts.

D. The proposed development will be visually compatible with the character of the surrounding areas, and where feasible, will restore and enhance the visual quality in visually degraded areas.

The proposed development will be visually compatible with the existing senior housing apartments. The remodeling and construction of new senior units will be visually compatible with the surrounding character of the surrounding area through design and architectural features of the project.

E. The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, the local coastal program, or any other applicable adopted plans and programs in effect for this site.


The proposed development is in conformance with all adopted policies, programs and regulations in effect for the site.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 98-0408 is granted to UCVGP, Inc., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

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05/14/01
10/01/01 COR.COPY (Permit only.)
Or.Dept:Clerk
R-2001-1243
Form=permitr.frm
Reviewed by Patricia Grabski

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

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**RESOURCE PROTECTION ORDINANCE/
CONDITIONAL USE PERMIT NO. 98-0408**

UNIVERSITY CITY VILLAGE

CITY COUNCIL

This Resource Protection Ordinance [RPO]/Conditional Use Permit [CUP] is granted by the Council of the City of San Diego to UCVGP, Inc., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0510 and 101.0462, and the Locational Criteria, Design and Development Standards and Guidelines for Senior Citizen Housing Projects. The 75 acre site is located at 4633 Governor Drive in the RS-1-7 zone (previously referred to as the R-1-5000 zone) which is proposed to be rezoned to the RM-1-2 zone (previously referred to as the R-2500 zone) of the University Community Plan area. The project site is legally described as Lots 1 through 4, inclusive of University City Unit 9, Map 5100.

Subject to the terms and conditions set forth in this permit, permission is granted to UCVGP, Inc., Owner/Permittee, to remodel 510 existing senior residential units; demolish thirty-two existing units; construct 599 senior residential units and eighty assisted living units; associated landscaping, parking and public improvements identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 3, 2000, on file in the Development Services Department. The facility shall include:

- a. Remodel 510 existing senior residential units;
- b. Construct 599 senior residential units for a total of 1,109 senior residential units;
- c. Eighty assisted living units;
- d. Ten thousand square foot clubhouse and pool;
- e. Two thousand square foot maintenance building;
- f. Golf course;
- g. Associated parking and public improvements;

- h. Landscaping (planting, irrigation and landscape related improvements);
 - i. One thousand one hundred fifty-six off-street parking facilities; and
 - j. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the SDMC in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
 3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
 4. This permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
 7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
 8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 3, 2000, on file in the Development Services Department. No

changes, modifications or alterations shall be made unless appropriate applications or amendment to this permit has been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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. Prior to the expiration date of this CUP, the Permittee may submit a new CUP application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

11. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit "A," dated October 3, 2000, on file in the Development Services Department).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration, LDR No. 98-0408, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issues: Hydrology/Biological Resources, Noise, Land Use, and Paleontological Resources.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.

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

15. Prior to building occupancy, the applicant shall conform to the "Public Improvement Subject to Desuetude or Damage" as set forth in the SDMC. If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

PLANNING/DESIGN REQUIREMENTS:

16. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

17. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

18. A topographical survey conforming to the provisions of SDMC section 101.0216 may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

19. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

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

1. Approved project sign plan (Exhibit "A," dated October 3, 2000, on file in the Office of the Development Services Department); or
2. Citywide sign regulations.

21. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

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

23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

24. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than 6 feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

25. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

26. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the SDMC section 101.2001, "Citywide Storage Standards for Trash and Recyclable Materials," to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated October 3, 2000, and on file in the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

27. The Owner/Permittee agrees to provide fifteen affordable senior units according to the San Diego Housing Commission's affordability provisions for occupancy by very-low income Senior Citizens at rates affordable at no more than 50 percent of the median area income, as adjusted for utilities and assumed household size.

28. Before issuance of any grading or building permit, an Affordable Senior Housing Plan [Housing Plan] is required to be submitted to the Chief Executive Officer of the Housing Commission which shall specify how the affordable senior units will be provided in the project within four years of the City's approval of this Permit. The Housing Plan shall designate specific units as the "Affordable Senior Units."

29. The monthly rent for the Affordable Senior Units (which shall include a utility allowance) shall not exceed 30 percent of the monthly income of a household earning 50 percent of the area median income, as adjusted for assumed household size, as published by the U.S. Department of Housing and Urban Development [HUD] for the San Diego Metropolitan Statistical Area.

30. The gross annual income of the household occupying an Affordable Senior Unit shall not exceed 50 percent of the current area median income as referenced above.

31. An Affordable Senior Unit shall not be rented to a tenant applicant whose income has not been certified in accordance with the income and occupancy standards set forth above. Such certification shall be performed by the Owner and submitted to the Housing Commission for occupancy approval. Such certifications shall be submitted on forms acceptable to the Housing Commission and shall include verification of compliance with the affordable rent restriction.

TRANSPORTATION REQUIREMENTS:

32. Prior to the issuance of any building permits, the applicant shall install pedestrian ramps at all street intersections, including new pedestrian ramps on the northwest and southwest corners of Kantor Court/Kantor Street intersection, and the southwest corner of Pavlov Avenue/Gullstrand Street intersection.

LANDSCAPE REQUIREMENTS:

33. No change, modification or alteration shall be made to the project unless an appropriate application or amendment to this Permit has been granted by the City.
34. In the event that a foundation only permit is requested by the Permittee, or subsequent owner, a Site Plan or Staking Layout Plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."
35. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department.
36. Prior to the issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Landscape construction documents shall identify a 40-square-foot water permeable planting area for each street tree in the right-of-way. This area shall be identified as a rectangle with an "X" through it and labeled "planting area for street tree." Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department.
37. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Technical Manual, section 7, and to the satisfaction of the City Manager. All plans shall be in substantial conformance to CUP No. 98-0408 (including environmental conditions) and Exhibit "A," dated October 3, 2000, on file in the Development Services Department.
38. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee, or subsequent owner, to install all required landscape and obtain all required landscape inspections. A No-Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.
39. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
40. The Permittee or subsequent owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a landscape maintenance agreement shall be submitted for review by a landscape planner.

41. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

42. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of "High." The Permittee/Owner shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated October 3, 2000, on file in the Development Services Department.

43. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated October 3, 2000, on file in the Development Services Department.

44. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated October 3, 2000, on file in the Development Services Department, and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, and Section 6 of the Landscape Technical Manual (Document No. RR-274506) on file at the Office of the City Clerk.

45. The Brush Management Zone Depths shall be as follows:

| <u>Hazard</u> | <u>Zone One</u> | <u>Zone Two</u> | <u>Zone Three</u> |
|---------------|-----------------|-----------------|-------------------|
| High | 40 feet | 40 feet | 30 feet |

46. Within Zone One, combustible accessory structures with less than a one hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc.) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

47. In Zones One, Two, and Three plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

48. Include the following note on the Brush Management Construction Documents, "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

49. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.

50. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, section 6, and Appendix C.

51. Prior to the issuance of building permits for Buildings 6, 9, and 10, a brush management easement shall be obtained on adjacent property to the west for purposes of off-site brush management maintenance.

FIRE REQUIREMENT:

52. Prior to the issuance of any building or grading permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

53. All buildings are required to be sprinklered and have a fire alarm system.

WATER AND SEWER REQUIREMENTS:

54. Prior to issuance of any building or engineering permits, the developer shall grant additional easement to widen the existing water easement (extending westerly from Kantor Court) to a minimum of 20 feet in width (depending on depth of cover and encroachments), or assure, by permit and bond, the design and construction of a 16-inch water main from Kantor Court to the existing main located adjacent to the southerly property line, in a manner satisfactory to the Director of the Water Department and the City Engineer.

55. The developer agrees to design and construct all proposed public water facilities, including easements, in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides.

56. Prior to the issuance of any building permits, the developer shall provide evidence, satisfactory to the Director of the Water Department, indicating that each lot/unit will have its own water service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private water facilities that serve more than one lot/unit.

57. Prior to the issuance of any building or grading permits, the developer shall provide a Sewer Study, satisfactory to the Director of the Metropolitan Wastewater Department, for the sizing, grade and alignment of public sewer facilities and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.

58. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all sewer facilities as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on any plan included with this permit, will require modification based on the accepted Sewer Study.

59. The developer agrees to design and construct all proposed public sewer facilities, including easements, in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Design Guide.

60. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds shall be a minimum of 20 feet wide and

surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. Minimum easement widths for sewer mains with manholes is 20 feet. Additional 5-foot-width will be required for each additional utility carried in the same easement. The easements shall be located within single lots.

61. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an Encroachment Removal Agreement.

62. No trees, shrubs, or structures of any kind shall be allowed in or over any access easement. No trees or shrubs exceeding three feet in height at maturity shall be located within ten feet of any public sewer facility.

INFORMATION ONLY

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

APPROVED by the Council of the City of San Diego on October 3, 2000, by Resolution No. R-293936.

05/14/01; 10/01/01 COR.COPY

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AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

UCVGP, INC.
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

05/14/01; 10/01/01 COR.COPY

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