

RESOLUTION NUMBER R-295987

ADOPTED ON JANUARY 22, 2002

WHEREAS, the City of San Diego, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a 40,347 square foot Regional Transportation Center [RTC], located at 4101 El Cajon Boulevard, and legally described as being a Lot Consolidation of Portions of Lots 1 through 10, Lots 39 through 48, and a Portion of the Alley within Block 27, Resubdivision of Blocks "K" and "L" Teralta, in the City of San Diego, County of San Diego, State of California, according to the Map thereof Mo. 1037, filed in the Office of the County Recorder of San Diego County, March 8, 1907, in the Mid-City Community Plan area, in the CN-1, CL-1, CL-1-T, and MR-1000B zones; and

WHEREAS, on January 17, 2002, the Planning Commission of the City of San Diego considered Mid-City Communities Development Permit/Site Development Permit/Conditional Use Permit [MCCDP/SDP/CUP] Permit No. 40-0508, and voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on January 22, 2002, testimony having been heard, evidence having been submitted, and the City 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 it adopts the following findings with respect to MCCDP/SDP/CUP Permit No. 40-0508:

I. FINDINGS FOR THE MID-CITY COMMUNITIES PLANNED DISTRICT PERMIT

1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District, and the following documents, as may be applicable to the project site: the Mid-City Community Plan [MCCP], the Mid-City Design Plan, the City Heights Demonstration area, and the design study for the Commercial Revitalization of El Cajon Boulevard; and will not adversely affect the Mid-City Community Plan or the City's Progress Guide and General Plan.

The RTC would bring to City Heights a unique combination of commercial and educational services not found anywhere in California. It would support a major commercial enterprise and employer in City Heights (Pearson Ford), and generate additional employment in the area. This supports the MCCP recommendation to create a "strong commercial corridor with regional significance."

The MCCP and supporting design documents envision "district centers" with higher intensity mixed-use development and pedestrian orientation. These centers would then be connected by "linear areas," which are less intense and more auto oriented, and may be mixed use. The Redevelopment Agency has supported the RTC with the intention of creating a landmark development that will serve as an anchor in a key commercial node, or "district center," within the City Heights Redevelopment Project Area.

The project is consistent with the Mid-City Planned District Ordinance [MCPDO]. Although the project requires four deviations from the MCPDO, the RTC is consistent with its purpose and intent, which is to "accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development." These deviation requests are not considered significant. One would allow a roof design feature that extends to about two feet from the front property line (El Cajon Boulevard) at 30 feet above grade. The building itself is setback 20 feet where the required setback is 10 feet. The second is for the provision of off-setting planes at the north and west elevations. The building design addresses that issue. It provides for the varying placement of building wall materials of glass, aluminum, and stucco at these elevations giving the building walls contrast that minimizes the visual impact of building's bulk and scale, as intended by the requirement for off-setting planes.

The other two deviation requests are for FAR and lot coverage. When calculated by development within each of the four individual zoning designations within the project site, the project is not consistent with these two regulations. However, when calculated as one project, RTC meets all the requirements of each zone within the project site.

The MCPDO, the MCCP, and supporting design documents also call for projects designed for compatibility with surrounding and planned development. As such, the majority of the parking would be underground and the operation is oriented and focused toward El Cajon Boulevard, and away from adjacent multifamily residences to the south and east. The project site and residential areas would be separated by a six-foot concrete wall to the south, and by 41st Street to the east.

2. The proposed development will be compatible with existing and planned land uses on adjoining properties and will not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable.

The overall project design is sensitive to adjacent residential areas. Building bulk will be concentrated at the west side of the project site, along the I-15 off-ramp, and not near residential areas across 41st Street. The building height is limited to two stories, although portions of the project site allow structures up to 150 feet in height. Varying placement of building wall materials of glass, aluminum, and stucco give the building walls contrast that minimizes the visual impact of building's bulk and scale. The majority of the parking would be underground and the operation is oriented and focused toward El Cajon Boulevard, and away from adjacent multifamily residences to the south and east. The project site and residential areas would be separated by a six-foot concrete wall to the south, and by 41st Street to the east.

Although the project is subject to the CN-1, CL-1, CL-1-T and MR-1000B, with a CUP, it is also consistent with its current zone, CT-2-4. Zone CT-2-4 is a designation approved on October 2, 2000, after this RTC permit application was deemed complete.

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 of the project site.

The education, sales, and office uses are permitted by right at the project site. The alternative fuel service station is permitted with a CUP. None of these uses are considered detrimental to the health, safety and general welfare of persons residing or working in the area, and therefore will not adversely affect other property in the vicinity of the project site.

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

The project is consistent with the MCPDO. Although the project requires four deviations from the MCPDO, the RTC is consistent with its purpose and intent, which is to "accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development." These deviation requests are not considered significant. One would allow a roof design feature that extends to about two feet from the front property line (El Cajon Boulevard) at 30 feet above grade. The building itself is setback 20 feet where the required setback is 10 feet. The second is for the provision of off-setting planes at the north and west elevations. The building design addresses that issue. It provides for the varying placement of building wall materials of glass, aluminum, and stucco at these elevations giving the building walls contrast that minimizes the visual impact of building's bulk and scale, as intended by the requirement for off-setting planes.

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II. FINDINGS FOR THE SITE DEVELOPMENT PERMIT

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

The RTC would bring to City Heights a unique combination of commercial and educational services not found anywhere in California. It would support a major commercial enterprise and employer in City Heights (Pearson Ford), and would generate additional employment in the area. This supports the MCCP recommendation to create a “strong commercial corridor with regional significance.”

The MCCP and supporting design documents envision “district centers” with higher intensity mixed-use development and pedestrian orientation. These centers would then be connected by “linear areas,” which are less intense and more auto oriented, and may be mixed use. The Redevelopment Agency has supported the RTC with the intention of creating a landmark development that will serve as an anchor in a key commercial node, or “district center,” within the City Heights Redevelopment Project Area.

The MCCP and supporting design documents also call for projects designed for compatibility with surrounding and planned development. As such, the majority of the parking would be underground and the operation is oriented and focused toward El Cajon Boulevard, and away from adjacent multifamily residences to the south and east. The project site and residential areas would be separated by a six-foot concrete wall to the south, and by 41st Street to the east.

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

The education, sales, and office uses are permitted by right at the project site. The alternative fuel service station is permitted with a CUP. None of these uses are considered detrimental to the public health, safety and general welfare.

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

The project is consistent with the MCPDO. Although the project requires four deviations from the MCPDO, the RTC is consistent with its purpose and intent, which is to “accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development.” These deviation requests are not considered significant. One would allow a roof design feature that extends to about two feet from the front property line (El Cajon Boulevard) at 30 feet above grade. The building itself is setback 20 feet where the required setback is 10 feet. The second is for the provision of off-setting planes at the north and west elevations. The building design addresses that issue. It provides for the varying placement of building wall materials of glass, aluminum, and stucco at these elevations giving the building walls contrast that minimizes the visual impact of building’s bulk and scale, as intended by the requirement for off-setting planes.

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III. FINDINGS FOR THE CONDITIONAL USE PERMIT

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

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from adjacent multifamily residences to the south and east. The project site and residential areas would be separated by a six-foot concrete wall to the south, and by 41st Street to the east.

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

The education, sales, and office uses are permitted by right at the project site. The alternative fuel service station is permitted with a CUP. None of these uses are considered detrimental to the public health, safety and general welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

The project is consistent with the MCPDO. Although the project requires four deviations from the MCPDO, the RTC is consistent with its purpose and intent, which is to “accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development.” These deviation requests are not considered significant. One would allow a roof design feature that extends to about two feet from the front property line (El Cajon Boulevard) at 30 feet above grade. The building itself is setback 20 feet where the required setback is 10 feet. The second is for the provision of off-setting planes at the north and west elevations. The building design addresses that issue. It provides for the varying placement of building wall materials of glass, aluminum, and stucco at these elevations giving the building walls contrast that minimizes the visual impact of building’s bulk and scale, as intended by the requirement for off-setting planes.

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4. The proposed use is appropriate at the proposed location.

The necessary properties within the project site have been acquired pursuant to City Council and Redevelopment Agency actions approving the concept of an RTC. Because the project is unique in California, and will serve the entire San Diego Region, its location near freeway access (at the I-15 off-ramp) is appropriate. The RTC’s location near freeway access and El Cajon Boulevard, which is a major commercial spine of the area, also enhances its viability as a commercial anchor

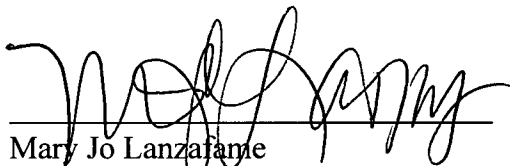
within the City Heights Redevelopment Area that would support existing businesses and attract new ones.

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 Mid-City Communities Development Permit/Site Development Permit/ Conditional Use Permit No. 40-0508 is granted to the City of San Diego, 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



Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
03/23/02
Or.Dept:Clerk
R-2002-1296
Form=permitr.frm
Reviewed by Juan Baligad

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

**MID-CITY COMMUNITIES DEVELOPMENT PERMIT/
SITE DEVELOPMENT PERMIT/
AND CONDITIONAL USE PERMIT NO. 40-0508
REGIONAL TRANSPORTATION CENTER
CITY COUNCIL
(MMRP)**

This Mid-City Communities Development Permit/Site Development Permit/Conditional Use Permit is granted by the City Council of the City of San Diego to City of San Diego, Owner/Permittee pursuant to the Land Development Code of the City of San Diego. The 1.39 acre site is located at 4301 El Cajon Blvd. in the CN-1, CL-1, CL-1-T and MR-1000B zones of the City Heights Neighborhood of the Mid City Community Planning Area in the Mid-City Communities Planned District. The project site is legally described as Being a Lot Consolidation of Portions of Lots 1 through 0, Lots 39 through 48, and a Portion of the Alley within Block 27, Resubdivision of Blocks "K" and "L" Teralta, in the City of San Diego, County of San Diego, State of California, according to the Map thereof Mo. 1037, filed in the Office of the County Recorder of San Diego County, March 8, 1907.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to construct a 40,347 square-foot Regional Transportation Center that includes an education center, alternative fuel vehicle display, repair center, and fueling pods described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated January 22, 2002, on file in the Development Services Department. The facility shall include:

- a. A 40,347 square-foot Regional Transportation Center that includes an education center, vehicle display, repair center, and fueling pods, and is comprised of two buildings with on-site above-ground and underground parking;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. 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 Land Development Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The 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.
6. 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 January 22, 2002, on file in the Development Services Department. No changes modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
7. 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 that 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 new 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.

8. This Conditional Use Permit and corresponding use of this site shall expire on January 22, 2022.
9. Prior to the expiration date of this Conditional Use Permit, the Permittee may submit a new Conditional Use Permit application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Finding of No Significant Impact/Mitigated Negative Declaration, LDR No. 40-0508, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Noise, Light and Glare, and Land Use
Cultural Resources (Archaeology)
Paleontological Resources
Utilities (Water & Sewer)
Transportation/Circulation

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than 85 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated January 22, 2002, on file in the Development Services Department. Parking spaces shall comply at all times

with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. There shall be compliance with the regulations of the underlying zones 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.
13. The heights of the buildings or structures 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.
14. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the buildings under construction and a condition of this permit or a regulations of the underlying zones. The cost of any such survey shall be borne by the permittee.
15. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zones which are in effect on the date of the submittal of the requested amendment.
16. All signage associated with this development shall be consistent with sign criteria established by either of the following:
 - a. Citywide sign regulations; or
 - b. The Mid-City Communities Planned District Ordinance.
17. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
18. 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.

19. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the 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," Landscape Concept Plan, dated January 22, 2002, on file in the Development Services Department.

LANDSCAPE REQUIREMENTS:

20. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.
21. 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 January 22, 2002, 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."
22. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated January 22, 2002, on file in the Development Services Department.
23. Prior to issuance of any construction permit for parking structures, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.
24. Prior to 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. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
25. 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 January 22, 2002, on file in the Development Services Department.

26. 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 Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 40-0508 (including Environmental conditions) and Exhibit "A," dated January 22, 2002, on file in the Development Services Department.
27. 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.
28. 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.
29. 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 Landscape Standards 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.
30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

ENGINEERING REQUIREMENTS:

31. 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 City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
32. The drainage system proposed with this development is subject to approval by the City Engineer.
33. Prior to the issuance of any permits, the applicant shall vacate the existing 15-foot alley and dedicate a new 24-foot alley as shown in the exhibit.

34. Prior to the issuance of any permits, the applicant shall assure by permit and bond the construction of curb, gutter and sidewalk along 41st Street and El Cajon Boulevard satisfactory to the city engineer.
35. Prior to building occupancy, the applicant shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." 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.

WASTEWATER REQUIREMENTS:

36. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards will require approval from the Wastewater Section's Senior Civil Engineer, be redesigned, or private.
37. The developer shall construct all proposed sewer lateral connections to the existing sewer main (located in 41st Street) to be located south of the existing manhole, near the southerly property line.
38. Prior to the issuance of any grading, engineering or building permits, the developer shall grant a 20-foot wide sewer easement along the existing 41st Street right- of-way and a sewer access easement over all of Parcel 1, satisfactory to the Metropolitan Wastewater Department Director.
39. Prior to the issuance of any grading, engineering or building permits, the developer shall record a Permanent Encroachment Agreement for the underground parking structure and any above ground structures located within the 20-foot wide sewer easement, satisfactory to the Metropolitan Wastewater Department Director.
40. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
41. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
42. The developer agrees to assume full responsibility for any damage caused to or by the existing public sewer facilities that traverse this site as a result of the construction activities, including grading, associated with this development.

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

WATER REQUIREMENTS:

44. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of 12-inch water facilities connecting to the existing facilities within the alley, extending through an easement to 41st Street free of appurtenances, continuing northerly in 41st Street to El Cajon Boulevard, in a manner satisfactory to Water Department Director and the City Engineer. Grade and alignment of proposed water facilities will be determined at final engineering.
45. Prior to the issuance of any building permits, the developer shall grant a minimum 15-foot-wide water easement adjacent to the southerly property line from the alley to the 41st Street right-of-way in a manner satisfactory to the Water Department Director and the City Engineer. The easement shall be free of surface encroachments other than enhanced paving, curbs or ground cover. Proposed encroachments, as shown on Exhibit "A," Landscape Concept Plan, dated January 22, 2002, on file in the Development Services Department, may require modification consistent with standards.
46. Prior to the issuance of any building permits, the developer shall process appropriate encroachment maintenance and removal agreements for all acceptable encroachments located within the water easement, in a manner satisfactory to the Water Department Director and the City Engineer.
47. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of new water service(s), connecting to public water facilities within adjacent improved rights-of-way, and the removal of all existing water services within or adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
48. The developer agrees to the sole responsibility for the mitigation of any damage caused to or by the public water facilities traversing the project site due to construction activities associated with this development.
49. At no time shall the developer take any connections (including domestic, fire, and irrigation) to the public water facilities traversing the project site.
50. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. Any on-site fire hydrants shall be private served by fire service(s) connected to public water facilities within adjacent improved rights-of-way.

51. The developer agrees to design and construct all proposed public water facilities, and associated easements, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Facilities, as shown on approved Exhibit "A," Landscape Concept Plan, dated January 22, 2002, on file in the Development Services Department, will require modification based on standards and final engineering.

INFORMATION ONLY

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 City Council of the City of San Diego on January 22, 2002, by Resolution No. R-295987.

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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.

THE CITY OF SAN DIEGO
Owner/Permittee

By _____

By _____

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

3/23/02
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