

RESOLUTION NUMBER R-296846

ADOPTED ON JULY 23, 2002

WHEREAS, Johnson Communities of Southern California, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit/Site Development Permit/Neighborhood Use Permit [PDP//NUP] No. 41-0366 to subdivide a 3.83 acre site into seven lots for single-family detached dwelling units and utilizing a transfer of density for a non-contiguous 5.0 acre parcel to be preserved as permanent open space, on portions of a 8.83 acre site known as the Vista Bougainvillea project, located on the south side of Rancho Toyon Place and east of Del Vino Court (3.83 acres) and a non-contiguous landlocked parcel 0.25 miles to the northeast (5.0 acres), and legally described as Parcel 2 of Parcel Map No. 18709, Portions of the East ½, Southeast ¼, Northwest ¼, Northeast ¼, the North ½, North ½, South ½, Southeast ¼, Northwest ¼ and the East 1 acre, North ½, North ½, South ½, Southeast ¼, Northwest ¼, Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Del Mar Mesa Specific Plan area, in the AR-1-2 zone; and

WHEREAS, on May 30, 2002, the Planning Commission of the City of San Diego considered PDP//NUP Permit No. 41-0366, and pursuant to Resolution No. 3269-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on July 23, 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 PDP//NUP Permit No. 41-0366:

I. PLANNED DEVELOPMENT PERMIT:

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

The proposed project will fulfill a community need by providing additional market rate units to the house base of the community. The Del Mar Mesa Specific Plan designates this site for residential development and Multiple Habitat Planning Area [MHPA] open space. The proposed residential development conforms with the Planned Development Permit regulations. The project conforms with other recommendations of the Del Mar Mesa Specific plan regarding residential development which address land form manipulation, landscaping, open space, and circulation. The proposed Vista Bougainvillea project will not adversely affect the City's Progress Guide and General Plan and is consistent with the community plan.

B. The proposed development will not be detrimental to the public health, safety, and welfare. Draft conditions of approval will require street improvements and provisions for water, sewer, and storm water services/facilities for the site and the area. Implementation of these conditions will provide for the orderly build out of the developable portions for the community while preserving sensitive open space areas. The project has been determined to be in compliance with the Land Development Code, Building Code, Plumbing Code, and Electrical Code, as such, through the development review process. Conditions of approval included in the project require conformance with the applicable regulations of the Land Development Code during construction and occupancy of the project.

C. The proposed development will comply with the regulations of the Land Development Code. The proposed project is consistent with the development regulations contained within the Del Mar Mesa Specific Plan, as adopted on June 27, 2000, for density, land use, setbacks, height, grading, architectural design. It has been determined that this project meets the purpose and intent of the specific requirements as to the transfer of density and preservation of open space per the Del Mar Mesa Specific Plan. City staff has reviewed the project against the goals and policies of the Del Mar Specific Plan and the project is consistent with that plan.

D. The proposed development, when considered as a whole, will be beneficial to the community. The development will dedicate open space into the community and regional open space system (MHPA). The development will also contribute to the region's housing supply by constructing seven single-family dwelling units, paying all applicable Del Mar Mesa Public Facilities Financing and local school fees. The project will contribute fees to the City's Housing Commission for construction of affordable housing units at the Housing Commission's discretion. Which are necessary to provide funding for completion of public works project identified in the Financing Plan and construction of schools. The provision of low and moderate income housing in the housing supply promotes balanced communities.

E. Any proposed deviations pursuant to San Diego Land Development Code section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed project fully complies with the requirements and regulations of the Del Mar Mesa Specific Plan and does not include the approval of any deviations to be implemented as designed.

II. SITE DEVELOPMENT PERMIT

A. The proposed development will not adversely affect the applicable land use plan. See # IA above.

B. The proposed development will not be detrimental to the public health, safety, and welfare. See # IB above.

C. The proposed development will comply with the applicable regulations of the Land Development Code. See # IC above.

III. ENVIRONMENTALLY SENSITIVE LANDS SUPPLEMENTAL FINDINGS

A. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. An environmental Mitigation, Monitoring and Reporting Program [MMRP] is included in the Master Environmental Impact Report (MEIR 41-0366) and is implemented by requirement of this permit. The MMRP includes the protection of biological resources, land use, geology, hydrology/water quality, landform alteration, light/glare/shading, safety, paleontological resources and transportation/circulation and the reduction of potential adverse impacts to below the level of significance. In addition, the development footprint for this project has been designed to minimize intrusion into the MHPA. Several measures ranging from the placement of the street to the siting of the development pads have been altered to ensure minimal intrusion into environmentally sensitive lands.

B. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The project has been designed to avoid steep slopes impacts, a minimal amount of grading is required to implement the project. The project will utilize existing drainage systems and energy dissipaters to reduce erosional forces. The project has been designed to limit the use of impervious surfaces, such as, concrete driveways and utilizes front yards and the parkway to limit drainage into the public stormdrain system. The project is not located or adjacent to a high geology risk category. Brush management has been incorporated into the project to reduce fire hazards. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

C. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. Consistent with the Del Mar Mesa Specific

Plan, the development has been sited on the flatter portions of the site. Increased brush management will be provided which further minimizes impacts to adjacent environmentally sensitive lands. The proposed grasscrete in the access road and fossil filter in the catch basin will further reduce impacts to environmentally sensitive lands. Therefore the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

D. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The project conveys 5.0 acres, within the MHPA to the City in fee for permanent open space. All brush management is contained within the development footprint. No development activities will occur within the MHPA. The project is only using native species in the landscape palette, All other provisions of the MSCP have been met and or exceeded for the developable portions of the proposed project. The project is consistent with all MSCP land use adjacency requirements.

E. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed site is several miles inland from public beaches and local shorelines. The development of this site will not contribute to erosion of public beaches or adversely impact the local shoreline sand supply.

F. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. In addition to the Master Environmental Impact Report [MEIR] prepared for the Del Mar Mesa Specific Plan, an Initial Study has been conducted for the proposed project on this site. The Initial Study concluded that all environmental impacts analyzed in the MEIR for this site have not been exceeded and no new environmental impacts will occur with the proposed development. Findings to support the Initial Study's conclusion have also been made and are part of this project's record. All mitigation measures identified in the MEIR associated with this proposed development have been adopted and will be incorporated into the Planned Development Permit. All mitigation required will alleviate negative impacts created by the proposed development as incorporated into the conditions of the development permit.

IV. NEIGHBORHOOD USE PERMIT

A. The proposed development will not adversely affect the applicable land use plan. See # IA above.

B. The proposed development will not be detrimental to the public health, safety, and welfare. See # IB above.

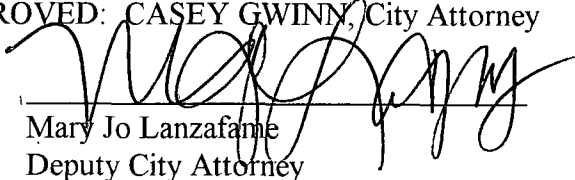
C. The proposed development will comply with the applicable regulations of the Land Development Code. See # IC above.

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 Planned Development Permit/Site Development Permit/Neighborhood Use Permit No. 1-0366 is granted to Johnson Communities of Southern California, 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:pev

8/15/02

Or.Dept:Clerk

R-296846

Form=permitr.frm

Reviewed by Derrick Johnson

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

**PLANNED DEVELOPMENT PERMIT, SITE DEVELOPMENT
PERMIT, AND NEIGHBORHOOD USE PERMIT NO. 41-0366
VISTA BOUGAINVILLEA
CITY COUNCIL**

This Permit, is granted by the City Council of the City of San Diego to Johnson Communities of Southern California, Limited Liability Corporation, Owner/Permittee pursuant to the San Diego Land Development Code. The 8.83 acre site is located on the south side of Rancho Toyon Place in the AR-1-2 zone of the Del Mar Mesa Specific Plan. The project site is legally described as Parcel 2 of Parcel Map No. 18709, Portions of the East 1/2, Southeast 1/4, Northwest 1/4, Northeast 1/4, the North 1/2, North 1/2, South 1/2, Southeast 1/4, Northwest 1/4, and the East 1 acre, North 1/2, North 1/2, South 1/2, Southeast 1/4, Northwest 1/4, Section 22, Township 14 South, Range 3 West, San Bernardino Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct seven single-family dwelling units with guest quarters option (plan 4), and an access road described and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated July 23, 2002, on file in the Development Services Department. The facility shall include:

- a. The development of seven single-family homes;
- b. The development of three guest quarters as shown on the site plan and plan No. 4;
- c. The provision of an access road, east of lot 7, to the property south of lots 5, 6, and 7;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities; and
- f. 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 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 San Diego Municipal Code [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 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 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 [EAS] 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 modifications to the building and 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 July 23, 2002, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) of this Permit have 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner/Permittee 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/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of this 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 issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Findings to Master Environmental Impact Report, No. 41-0366, satisfactory to the City Manager. Prior to the issuance of the Tentative Map, Street Vacation, Planned Development Permit, Neighborhood Use Permit, and Site Development Permit (TM/SV/PDP/NUP/ESL Permit No. 41-0366), all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Land Use
- Geology
- Hydrology/Water Quality

Landform Alteration
Light/Glare/Shading
Public Facilities and Services
Safety
Paleontological Resources
Transportation Circulation.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than fourteen off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated July 23, 2002, on file in the Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
13. There shall be compliance with the regulations of the underlying zone(s) unless deviation or variance to a specific regulation(s) is approved or granted as a 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.
14. 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.
15. 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.
16. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Director of the Development Services Department. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
17. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
18. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

19. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
20. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.
21. No merchandise, material or equipment shall be stored on the roof of any building.
22. A maximum of three guest quarters are permitted as shown on the site plan and detailed in the floor plans for plan type No. 4, Details and Notes Exhibit "A," dated July 23, 2002, on file in the Development Services Department.

LANDSCAPE REQUIREMENTS:

23. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the Land Development Code section 142.0401 and the Landscape Standards, Exhibit "A," Landscape Development Plan, Brush Management Plan, Details and Notes, dated July 23, 2002 on file in the Development Services Department.
24. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in safe manner to allow each tree to grow to it's mature height and spread.
25. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of damage or certificate of occupancy. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.
26. 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. A Landscape Maintenance Agreement and bond shall be entered into prior to issuance of any grading or construction permit. The agreement and bond shall be renewed

each year until such time that another approved entity assumes responsibility such as a homeowners association or a Landscape Maintenance District.

27. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape improvement plans shall indicate each street tree by station points and staking in the field with a lodge pole tree stake prior to any utilities stub-outs. Trees stakes shall remain in place until trees are planted.

28. All tree locations shall have a forty square-foot minimum area around each tree's root zone, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer lateral shall be designed so as not to prohibit the placement of any tree. During improvement activities the locations of all trees shall be identified with a lodge pole tree stake and inspected by the field engineer prior to the installation of any wet or dry utility stub-outs and placement of and pavement.

29. Prior to issuance of any engineering permits for grading, landscape construction documents (including irrigation plans) for slope planting, erosion control, re-vegetation and hydroseeding shall be submitted to the City Manager for approval.

30. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape improvements and obtain all required landscape inspections. A No Fee Street Tree Permit, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

31. Prior to the recording of the final map, the Owner/Permittee shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within and visible from the public right-of-way. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recording of the final map.

32. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Development Plan, dated July 23, 2002, on file in the Development Services Department.

33. Prior to issuance of permits or recording of final maps, all easement or right of entry permits for the purpose of Brush Management shall be obtained.

34. Prior to any construction or grading, it shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Mitigation, Monitoring & Conservation section of the Development Services Department to discuss and outline the implementation of the Brush Management Program.

35. In all brush management zones the plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as determined by the Landscape Section of Development Services Department.

36. The Brush Management Maintenance Program as noted on Exhibit "A," dated July 23, 2002, on file in the Development Services Department, shall be performed annually by the Owner/Permittee or until such time that another approved entity such as a homeowner association or a Landscape Maintenance District assumes annual responsibility.

ENGINEERING REQUIREMENTS:

37. Prior to issuance of any building permits, the project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.

38. The Owner/Permittee shall construct Rancho Toyon Place as a two-lane residential street with a minimum pavement width of 28' within 52' of right-of-way including 10'-14' parkway and 8' multi-use trail on the north side, satisfactory to the City Engineer.

39. The Owner/Permittee shall construct the proposed driveway access at a minimum of 20' plus 3' flare to each lot.

40. The project shall be connected to State Route 56 by a network of improved public streets based on the approved Transportation Phasing Plan for Del Mar Mesa/Subarea V.

41. The Owner/Permittee shall construct a minimum of 20' wide driveway access to the Maas property.

42. The Permit shall comply with the conditions of the final map for Vista Bougainvillea, Tentative Map No. 41-0366.

LONG RANGE PLANNING REQUIREMENTS

43. Fences and walls whether installed by the developer or future owner(s) are subject to the requirements of the Del Mar Mesa Specific Plan and the City's Municipal Code as well as the following provisions: a) fences within the front setback shall be post and rail with a maximum height of 4-feet measured to top of post; b) solid fences over three feet in height shall not be located within the 25-foot front setback (walls and structures provided to screen garages may exceed the height limit provided that they are architecturally integrated into the main residence); c) landscape screening shall be required for all solid fences, walls and trellis structures over 3-feet in height.

44. The Owner/Permittee is required under the North City Future Urbanizing Framework Plan and the Del Mar Mesa Specific Plan to provide housing for low-income households as a component of their residential development, as certified by the San Diego Housing Commission/Housing Authority of the City of San Diego. The low-income housing component shall equal ten percent of the market rate dwelling unit equivalent. The Owner/Permittee has the option beyond the provision of dwelling units to pay an in-lieu fee to the Housing Authority to meet their low-income housing requirement. This project is eligible under the in-lieu fee option of the Del Mar Mesa Specific Plan to meet the affordable housing requirement in this manner, and the Owner/Permittee has stated their intent to pay the then current in-lieu fee for Del Mar Mesa as required, at the time of issuance of building permits.

45. Prior to issuance of a building permit(s) for each lot, the Owner/Permittee shall comply with the setback requirements of the AR-1-2 zone and Del Mar Mesa Specific Plan (front and rear setbacks shall be 25 feet and side setbacks shall be 20 feet). Deviation from the front and side setbacks may be approved for any lot occupied by the single-story home (i.e. Plans 3 & 4). Side setbacks may then be reduced to 15 feet (provided that 30 feet is maintained between the nearest point on the adjacent building facade). Front setbacks may be reduced to 15 feet for a maximum fifty percent of the length of the front elevation. Walls provided to screen garages may observe the 15 foot reduced setback provided they are architecturally integrated into the main residence. Approved setbacks are shown for all lots on the PDP Site Plan (Exhibit "A," dated July 23, 2002, on file in the Development Services Department).

46. Prior to issuance of any building permits, the Owner/Permittee shall make available within its sales office information on energy efficient technologies and appliances as well as offer a program to incorporate alternative energy technologies into the residences as a construction option.

47. If CC&R's are developed for this subdivision, they should reflect permit conditions on fencing (forty-four), setbacks (forty-six) and single-story facades (fifty).

48. Prior to recordation of the first final map, the Owner/Permittee shall obtain a Certificate of Compliance or Exemption from the Del Mar Union School District and the San Dieguito Union School District that demonstrates project impacts on school facilities are adequately mitigated within each school district as required in the Del Mar Mesa Specific Plan.

49. A minimum three of the seven lots shall be developed and maintained with homes that contain single-story front building facades (i.e. Plans 3 & 4)

SEWER REQUIREMENTS

50. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
51. The Owner/Permittee agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
52. 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

53. Prior to the issuance of any building permits, certain portions of public water facilities identified in accepted studies including, but not limited to, a water pump station and approximately 1,500 lineal feet of 8-inch pipe, necessary to provide service to this development, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
54. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Any fire hydrant installed on private property shall be private, served by an unmetered fire service.
55. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services, one to serve each dwelling unit, and the removal of all existing unused services adjacent to the project site in a manner satisfactory to the Water Department Director and the City Engineer. Water services shall not be located within any driveway or vehicular use area.
56. Prior to the issuance of any building permits, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of on site private water facilities that serve or traverse more than a single lot.
57. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A," dated July 23, 2002, on file in the Development Services Department, shall be modified to comply with standards at final engineering in a manner satisfactory to the Water Department Director and the City Engineer.

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 July 23, 2002, by Resolution No. RR-296846.

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.

**JOHNSON COMMUNITY OF SOUTHERN
CALIFORNIA**

Owner/Permittee

By _____

By _____

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