

RESOLUTION NUMBER R-299151

ADOPTED ON APRIL 13, 2004

WHEREAS, Fairway Views, L.L.C., a Limited Liability Corporation, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit to construct a single family residence, being one of three coastal development permits applied for to construct three single-family residences known as the Fairway Views project, located on Nautilus Street, and legally described as a portion of Parcel B of Parcel Map No. 18638, in the City of San Diego, County of San Diego City, State of California, according to map thereof, filed in the Office of the County Recorder of San Diego County, February 21, 2001 as File No. 2001-96938 of Official Records, excepting north 98.80 feet of the easterly 20.00 feet, in the La Jolla Community Plan area, in the RS-1-4 zone (previously referred to as the R-1-10 zone); and

WHEREAS, on October 16, 2003, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No.11492, and pursuant to Resolution No. 3421-1-PC voted to recommend approval of the Permit; and

WHEREAS, the matter was set for public hearing on April 13, 2004, 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 Coastal Development Permit No. 11492:

A. COASTAL DEVELOPMENT PERMIT

1. **The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.** The proposed Fairway Views project is located along Nautilus Street east of Muirlands Drive and is not subject to any identified shoreline access. The project does not encroach upon any existing coastal accessway. Nor is the project located within any designated public view corridor or view vista specified in the Local Coastal Program Land Use Plan. A partial view of the ocean along Nautilus Street currently exists at the west end of the site adjacent to the golf course. This view is preserved by siting the westernmost home as far to the east as possible and by tucking the homes into the adjacent hillside along Nautilus Street. Since the lower levels of the homes are situated below the level of Nautilus Street, the project also preserves intermittent views between the structures of the surrounding hillsides and canyons.

2. **The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.** The project is sited and designed to prevent or mitigate adverse impacts upon environmentally sensitive lands. The two homes located along the south end of the property are set into an existing manufactured slope resulting from the grading of Nautilus Street. The remaining home to the north is sited at the top of a hill along the flattest portion of the site. The project site contains 1.21 Acres of Coastal Sage Scrub. Approximately .42 acre of Coastal Sage Scrub is impacted by the development and will be mitigated via a deposit into the City of San Diego's Habitat Acquisition Fund. The remaining .79 acre of Coastal Sage Scrub will be protected by a private restricted building easement along the property's natural steep slope. The project is not located within the MHPA and the development does not affect any habitat linkages.

3. **The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code [SDMC], unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.** The proposed project complies with the requirements of the Resource Protection Ordinance as stated in SDMC 101.0462 et al. Impacts to biologically sensitive lands are minimized by siting the proposed structures in disturbed or flat areas of the project site. There is both on-site mitigation via a private restricted building easement and off-site mitigation through contribution to the City's habitat conservation fund. The site is vacant and contains no identified prehistoric or historic resources.

4. **The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.** The project proposes to create and develop fine parcels on a single vacant parcel along Nautilus Street. The parcels contain no recreational or visitor-serving facilities or coastal scenic resources, as identified in the applicable land use plans. The site is adjacent to an existing private golf course, however, the proposed construction is setback from the common property line and the development does not affect the existing conditions on the course. This portion of Nautilus Street is not identified as a coastal

scenic resource in the applicable land use plans, however a partial view of the ocean currently exists from Nautilus Street at the western end of the site. The proposed development preserves this view by siting the westernmost structure as far to the east as possible. In addition, the lower levels of the homes are situated below the level of Nautilus Street and present a single-story appearance at the street. This configuration preserves intermittent views between the structures of the surrounding hillsides and canyons.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources. The proposed development is located in a developed primarily urbanized neighborhood. There are no adjacent dedicated park and recreation areas and therefore no special setbacks are necessary. However the proposed structures are sited into disturbed, manufactured slopes or flat areas of the site in order to minimize impacts to sensitive habitats within the existing natural slopes and preserve existing views to the ocean.

6. The proposed development will minimize the alterations of natural land form and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The proposed project minimizes alteration of the natural land form by siting all of the structures in disturbed or flat areas of the site. Manufactured slopes will be re-graded to provide stabilization meeting current codes. The existing natural slope will be pinned and proposed structures will be supported by piers to mitigate to provide support against geologic hazards.

7. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas. The surrounding area is developed with large single family residences of one, two, or three stories, on similarly sized lots. The proposed structures are three stories in height but present a single story appearance from the street. The architectural style of the proposed structures is a mixture of modern and Mediterranean styles and is compatible with the surrounding eclectic mix of buildings.

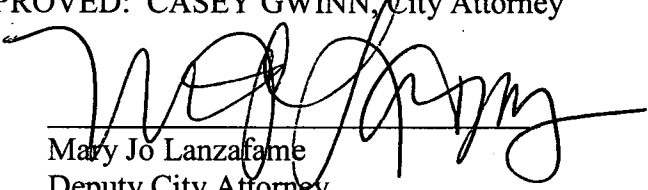
8. The proposed development will conform with the City's Progress Guide and General Plan, the local coastal program, and any other applicable adopted plans and programs in effect for this site. The project is consistent with the requirements of the City of San Diego's Progress Guide and General Plan, the adopted La Jolla Community Plan and La Jolla - La Jolla Shores Local Coastal Program with respect to land use, site design, hillside development and view preservation. The proposed homes are located on manufactured slopes or relatively flat ground and avoid, as much as possible, impacts to natural steep slopes and Coastal Sage Scrub. Proposed impacts to biological resources are mitigated via a deposit into the City of San Diego's Habitat Acquisition Fund, remaining Coastal Sage Scrub is protected with a private building restriction. Two of the homes are sited to specifically reduce their bulk and scale and appear as one story when viewed from Nautilus Street. The westernmost home is sited to preserve an existing, non-designated view of the ocean from Nautilus Street.

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 Coastal Development Permit No. 11492 is granted to Fairway Views, L.L.C, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
05/06/04
Or.Dept:DSD
R-2004-1202

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 11492
FAIRWAY VIEWS (PARCEL 2) – PROJECT NO. 3188 (MMRP)
CITY COUNCIL

This Coastal Development Permit No. 11492 is granted by the City Council of the City of San Diego to Fairway Views L.L.C., a Limited Liability Corporation, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 43,077 square-foot site is located at Nautilus Street (addressed as 6906 Fairway Road) in the R-1-10 zone and Coastal Overlay Zone of the La Jolla Community Plan area. The project site is legally described as a portion of Parcel B of Parcel Map No. 18638, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County Recorder of San Diego County, February 21, 2001 as File No. 2001-96938 of Official Records, excepting the north 98.80 feet of the easterly 20.00 feet. The site is identified on Exhibit "A" as "parcel 2" of TM 99-1357.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a single-family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated April 13, 2004, on file in the Development Services Department. The exhibits, referred to as Exhibits "A," are identified as follows:

- A-1: Cover Sheet
- A-2: Site/Roof Plan
- A-3: First Level & Second Level
- A-4: Elevations and Sections
- A-5: Existing Topography Map
- A-6: Tentative Parcel Map
- A-7: Conceptual Grading Plan
- A-8: Geological Mitigation Map
- A-9: Biological Resource Map
- A-10: Landscape Concept Plan, Sheet 1 of 2
- A-11: Landscape Concept Plan, Sheet 2 of 2

The project or facility shall include:

- a. An approximately, 11,400 square-foot single family home with attached four car garage and swimming pool;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. 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.

STANDARD REQUIREMENTS:

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 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 Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant 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." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and 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.

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.

11. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

12. The Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Coastal Development Permit No. 11492 and Tentative Map No. 8183, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, LDR No. 99-1357/PTS No. 3188 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL / MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration, LDR No. 99-1357/PTS No. 3188 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources
Geology/Soils
Water Quality

16. Prior to the issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Department Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

17. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the SDMC in a manner satisfactory to the City Engineer.

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

20. Prior to building occupancy, the applicant shall conform to SDMC section 62.0203, "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

21. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

23. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

24. Prior to the issuance of any construction permit the Subdivider shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent [NOI] filed with the State Water Resources Control Board.

GEOLOGY REQUIREMENTS:

25. Prior to recordation of the Parcel Map, all geologic and geotechnical hazards or defects shall be corrected or assured by permit and bond to be corrected. An as-graded geotechnical report will be required to document that all geologic and geotechnical hazards and defects were corrected. The as-built geotechnical report must conclude that each parcel has a factor-of-safety of 1.5 or greater with respect to gross and surficial slope stability.

26. Prior to the issuance of grading and/or improvement permits, a geotechnical consultant must demonstrate that the proposed storm drain will be adequately stable. In addition, the geotechnical consultant must determine the amount of total and differential settlements impacting the storm drain, and provide storm drain foundation recommendations. The project's civil engineer must provide documentation that the proposed storm drain is designed to tolerate the soil settlement and lateral loads determined by the project's geotechnical consultant.

27. As a condition of approval of the Tentative Parcel Map, a settlement monitoring program shall be conducted at the conclusion of grading. The survey data must be analyzed by the geotechnical engineer to determine that future soil settlement will be within appropriate and tolerable limits prior to recording the Final Map.

28. Any area of the overall site which will not have an adequate factor-of-safety with respect to slope stability or unacceptable potential differential settlement shall be designated as a building restricted easement that shall be granted on the Final Map. The geotechnical consultants shall certify by signatures and seals (stamps) that the building restricted easement on the Final Map is in accordance with the geotechnical investigation approved for this project.

LANDSCAPE REQUIREMENTS:

29. 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.
30. Prior to issuance of any engineering permits for grading, construction documents for slope planting, 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 with Exhibit "A" Landscape Concept Plan on file in the Office of Development Services. All previously disturbed portions of the site shall be revegetated with the same native hydroseed mix shown on the approved Exhibit "A" Landscape Concept Plan.
31. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.
32. Prior to issuance of any construction permits for structures, 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 on file in the office of Development Services.
33. 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 on file in the office of Development Services. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area".
34. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way 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'. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
35. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

36. 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.
37. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.
38. 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 Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.
39. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, and right-of-way 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.
40. 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 completion of construction by the Permittee. 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.

PLANNING/DESIGN REQUIREMENTS:

41. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.
42. 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 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.
43. 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, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

44. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

45. 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.

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

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

TRANSPORTATION REQUIREMENTS:

48. Prior to the issuance of the first building permit, the applicant shall provide a shared access agreement between parcels 1 & 2, satisfactory to the City of San Diego.

WASTEWATER REQUIREMENTS:

49. 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 shall be redesigned or private.

50. 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:

51. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services within the Nautilus Street right-of-way adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer. Due to excessive water pressure, the Owner/Permittee may be required to design and construct a public pressure regulating station and 8-inch water main extension within the Nautilus Street right-of-way, satisfactory to the Director of the Water Department.

52. Prior to the issuance of the first building permit, the Owner/Permittee shall grant additional easements, to widen existing water easements traversing the property and containing public water facilities to 25-foot-wide, and vacate unused portion of existing

water easement, in a manner satisfactory to the Director of the Water Department and the City Engineer. Easements as shown on approved Exhibit "A" may require modification at final engineering.

53. Prior to the issuance of the first certificate of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department and the City Engineer.

54. Prior to the issuance of the first certificate of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

55. All proposed on-site water facilities shall be private including domestic, fire and irrigation systems.

56. 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," will require modification at final engineering based on standards.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on April 13, 2004 by Resolution No. R-299081.

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.

Fairway Views, L.L.C.
Owner/Permittee

By _____

By _____

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