

RESOLUTION NUMBER R-299250

ADOPTED ON MARCH 30, 2004

WHEREAS, Mission Village Properties, L.P., Owner/Permittee, filed an application with the City of San Diego for a planned commercial development permit to construct a 160-unit apartment complex with 15,000 square feet ground floor retail commercial space, known as the Mission Village project, located at the northwest corner of Gramercy Drive and Ruffin Road, and legally described as Lot Nos. 1 and 2, Parcel Map 8791, in the Serra Mesa Community Plan area, in the CA zone; and

WHEREAS, on January 15, 2004, the Planning Commission of the City of San Diego considered Planned Commercial Development Permit [PCD] No. 57551, and pursuant to Resolution No. 3452-PC voted to recommend City Council approval of the Permit; and

WHEREAS, Serra Mesa Planning Group appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on March 30, 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 PCD Permit No. 57551:

**A. PLANNED COMMERCIAL DEVELOPMENT PERMIT – SAN DIEGO
MUNICIPAL CODE SECTION [SDMC] 101.910 (OLD CODE)**

1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted Community Plan. The Mission Village site is 9.1-acres located at the northwest corner of Gramercy Drive and Ruffin Road, within the Serra

Mesa Community Planning area. The Serra Mesa Community Plan designates the site Neighborhood Commercial. This designation allows a wide range of land uses including residential apartments not to exceed twenty-nine dwelling units per acre (du/ac). The site is zoned CA zone (Area Shopping Center) which also allows for residential development at one dwelling unit per 1500 square feet of lot area. The project is proposing a minimum commercial retail development of 15,000-square feet with 32,125-square feet of existing office and 160 multi-family apartments at a density of 17.6 dwelling units per acre. The proposed project is consistent with the Serra Mesa Community Plan by implementing the direction of the plan to provide a neighborhood commercial retail development combined with multi-family units not exceeding twenty-nine dwelling units per acre. The residential component of the project will also fulfill a community need by constructing additional housing and by providing an affordable housing type (apartments).

2. The proposed use 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 properties in the vicinity. The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Municipal Code in effect for the project site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing or working in the area. These conditions include standards which pertain to best management practices, traffic circulation, engineering, utilities, and landscaping. Furthermore, Negative Declaration No. 6547 has determined that the project will have no impact on the environment.

3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site. The proposed development consists of seven buildings to be constructed in two phases. Phase One would consist of the construction of 156 residential units which would be split amongst five buildings ranging in size between nine units and thirty-four units. Of these five buildings, four would include only residential space while Building 1 would contain both residential and 8,000 square-feet of ground floor retail space fronting Ruffin Road. The five buildings would not exceed three-stories in height. Buildings 1 and 7 will be 32-feet; Building 2 will be 28-feet- 34-feet in height; Buildings 3, 4 and 5 will be 39-feet in height; and Building 6 will be 18-feet -34-feet in height. The existing office building is 2 ½-stories above grade and is approximately 30-feet in height.

Phase One also incorporates the construction of covered and non-covered surface parking, a pool area, courtyard, and a clubhouse consisting of a community gathering room, exercise room, conference room, leasing office and lobby.

Phase Two consists of the redevelopment of the existing 4,954-square-foot gas station site into four, one-bedroom, residential units and 7,000 square feet of ground floor retail space in two buildings. The exterior elevation plan indicates the buildings would be constructed in an Arts and Crafts style. To assure redevelopment of the existing service station to 7,000-square feet of commercial retail use the Owner/Permittee will be required to enter into an agreement with the City to provide a \$500,000 security. This \$500,000 security would be used by the City for public improvements in the Serra Mesa Community. If the Owner/Permittee does not apply for a

building permit for the commercial redevelopment of the service station site within one year after the service station lease has expired (February 28, 2012) and a "No Further Action Letter" issued, the security would otherwise be release back to Mission Village Properties.

The CA zone permits residential development at R-1500. Pursuant to the CA zone (old code) Section 101.0428.D.5, "...*whenever the residential density of a project is in excess of 70 percent of the total gross square footage of the structures (s) on the lot or premises a Planned Development Permit shall be required.*" The residential component of the project is 81 percent (205,635-square feet, residential use) of the total gross square footage of all structures on site. The project also includes 32,124-square feet of office and 15,000-square feet of office.

The PCD Ordinance requires a minimum of 50 percent of all gross ground floor or principal pedestrian level area shall be utilized for retail commercial and personal services. Principal pedestrian level area was used and is defined as that portion of a building located closest to the public right of way or oriented toward pedestrians. For this project the principal pedestrian level area is 29,700-square feet. The project is proposing 15,000-square feet for retail commercial and personal services which equal 51 percent.

The project meets all of the requirements of the PCD Ordinance except for setbacks. Residential development within the CA zone is required to meet the development regulations of the R-1500 zone. The front yard setback along Gramercy Drive is required to be minimum 15-feet along 50 percent of lineal footage of the yard and a 20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard. Building 6, fronting Gramercy Drive, observes an 8-foot setback where a minimum yard setback is required to be 15-feet along 50 percent of lineal footage of the yard and a 20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard. The street yard setback along Ruffin Road is required to be minimum 5-feet along 50 percent of lineal footage of the yard and a 10-foot standard side yard setback for the remaining 50 percent of the lineal footage of that yard. Building 1 observes a 4-foot, 9-inch setback where a minimum setback of 5-feet along 50 percent of lineal footage of the yard and a 10-foot standard side yard setback for the remaining 50 percent of the lineal footage of that yard is required.

The reduced setbacks are supported because they will provide a street presence for the commercial retail and residential unit and fosters an urban village atmosphere which would not be possible if strict adherence to the setback regulations of the CA and R-1500 zones were followed.

B. DEVIATIONS

1. Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification. Residential development within the CA zone is required to meet the development regulations of the R-1500 zone. The front yard setback along Gramercy Drive is required to be a minimum 15-feet along 50 percent of lineal footage of the yard and a

20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard.

Deviations to the setbacks are supported because they provide a street presence for the commercial retail and residential units which would not be met if strict adherence to the CA and R-1500 zones were followed.

2. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which property is situated because of the conditions imposed. A deviation to setback requirements does not grant the property any special privilege compared to other CA zoned properties.

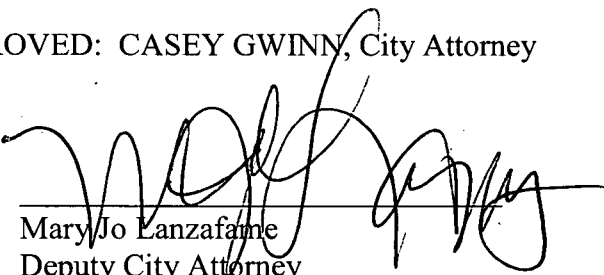
3. The granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego, or any adopted community or precise plan of the City, or the adopted plan of any other appropriate governmental agency. The requested deviations do not adversely affect the Progress Guide and General Plan or the Serra Mesa Community Plan because the setback deviations will enable the commercial retail and residential units to have a street presence which would not be possible if strict adherence to the CA and R-1500 zones setback regulations were followed.

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 appeal of Serra Mesa Planning Group is denied; the decision of the Planning Commission is sustained; and PCD Permit No. 57551 is granted to Mission Village Properties, L.P., 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
05/10/04
Or.Dept:DSD
R-2004-1210

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

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 57551
MISSION VILLAGE
CITY COUNCIL

This planned commercial development permit is granted by the City Council of the City of San Diego to Mission Village Properties, L.P., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 101.0910 of the City of San Diego. The 9.1 acre site is located at the northwest corner of Gramercy Drive and Ruffin Road in the CA zone of the Serra Mesa Community Plan area. The project site is legally described as Lots Nos. 1 and 2, Parcel Map 8791.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 160-unit apartment complex with 15,000 square feet of ground floor retail commercial space on a 9.1 acre site. The existing 4,954 square-foot gas station is subject to Conditional Use Permit [CDP] No. 87-0297 which is being amended. New CUP No. 57553, for the gas station, shall expire on February 28, 2012, at which time the gas station will be redeveloped with retail commercial space. An existing 32,124 square foot office will be retained on site. These improvements are described as, and identified by size, dimension, quantity, type, and location on the approved Exhibits "A," dated March 30, 2004, on file in the Development Services Department. The exhibits, Exhibits "A," are identified as follows:

- A-1: Site Plan
- A-2: Landscape Concept Plan
- A-3: Elevations
- A-4: Project Cross Sections
- A-5: Grading and Drainage Plan
- A-6: Roof Plans
- A-7: Topographic Survey

The project or facility shall include:

- a. A two phase development consisting of seven buildings. Phase One shall consist of the construction of 156 residential units split amongst five buildings ranging in size between nine units and thirty-four units. Of these five buildings, four would include only residential space while Building 1 would contain both residential and 8,000 square-feet of ground floor commercial

retail space fronting Ruffin Road. The five buildings would not exceed 3-stories in height. Phase One also incorporates the construction of covered and non-covered surface parking, a pool area, courtyard, and a clubhouse consisting of a community gathering room, exercise room, conference room, leasing office and lobby. Phase Two shall consist of the redevelopment of the existing 4,954-square-foot gas station site into four, 1-bedroom, residential units and 7,000 square feet of ground floor commercial retail space amongst two buildings. The exterior elevation plan indicates the buildings would be constructed with stucco, cement fiber siding, and metal roofing;

- b. The existing 4,954 square-foot gas station site (Lot 1) will be redeveloped as 7,000- square feet of commercial retail space in two buildings, in Phase Two. To assure redevelopment of the service station the Owner/Permittee will be required to enter into an agreement with the City for a \$500,000 security. The \$500,000 security would be used by the City for public improvements in the Serra Mesa Community, if the Owner/Permittee does not apply for a building permit for the commercial redevelopment of the service station site within one year after the service station lease has expired (February 28, 2012) and a “No Further Action Letter” issued, the security would otherwise be release back to Mission Village Properties;
- c. Conditional Use Permit No. 57553 (amendment to Conditional Use Permit No. 87-0297), for the existing gas station, shall expire on February 28, 2012 with no option for an extension of time;
- d. The existing 32,124 square foot office building will be retained on site;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking facilities; and
- g. 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 applications or amendments 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 special rights which the holder of the Permit is entitled as a result of this Permit.
 10. 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.

AFFORDABLE HOUSING REQUIREMENT:

11. 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:

12. This Permit shall comply with the conditions of the Tentative Parcel Map No. 57552 for Mission Village.

13. A Final Map shall be recorded after the conditions of the Tentative Parcel Map have been completed to the satisfaction of the City Engineer.

LANDSCAPE REQUIREMENTS:

14. 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.

15. 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 the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

16. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, on file in the office of the Development Services Department.

17. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A." No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

18. 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.

19. 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.

20. 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.

21. 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, on file in the office of the Development Services Department.

22. The Owner/Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

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

PLANNING/DESIGN REQUIREMENTS:

24. To assure redevelopment of the gas station the Owner/Permittee will be required to enter into an agreement with the City for the provision of a \$500,000 security. The \$500,000 security would be used by the City for public improvements in the Serra Mesa Community. If the Owner/Permittee does not apply for a building permit for the commercial redevelopment of the service station site within one year after the service station lease has expired (February 28, 2012) and a "No Further Action Letter" issued, the security would otherwise be released back to Mission Village Properties. The existing service station is permitted via CUP No. 87-0297. CUP No. 87-0297 is being amended to add an expiration date of February 28, 2012.

25. A community room shall be made available year-round. Usage shall be based upon advance request of the Community Director. The facility shall be returned to its original condition.

26. No fewer than 328 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.

27. 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.

28. 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.

29. 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.

30. 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.

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

- a. Approved project sign plan (Exhibit "A," dated March 30, 2004, on file in the office of the Development Services Department) or;
- b. Citywide sign regulations.

32. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

33. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement.

34. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information

shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

35. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

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

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

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

39. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, 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 structure whose top and sides may include grillwork, louvers, and latticework.

40. No merchandise, material, or equipment shall be stored on the roof of any building.

41. Merchandise customarily displayed outdoors may be displayed in open unenclosed areas on the premises of a Planned Commercial Development in which they would normally be displayed or offered for sale.

42. All private outdoor lighting shall be shaded and adjusted to fall on the same premises wheresuch lights are located.
43. 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.
44. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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.

TRANSPORTATION REQUIREMENTS:

45. Prior to the issuance of any building permits, Owner/Permittee shall pay a fair share contribution of 50% up to a maximum of \$25,000 toward planned traffic signal modifications to implement north/south split phasing and east/west left turn phasing at the intersection of Gramercy Drive/Mission Village Drive and Ruffin Road.
46. Prior to the issuance of any building permits the Owner/Permittee shall execute a shared parking agreement satisfactory to the City Engineer and the agreement shall be recorded against all affected properties.
47. The project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769844, filed January 12, 2001), and City Council Policy 200-18, amended by the City Council on February 26, 2002.

WATER REQUIREMENTS:

48. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), outside of any driveway, and the removal of all existing unused services within the Ruffin Road and Gramercy Drive rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
49. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention devices on each existing and proposed water service, including domestic, fire and irrigation, in a manner satisfactory to the Director of the Water Department and the City Engineer.
50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. All on-site fire hydrants shall be private.

51. Prior to the issuance of any certificates of occupancy, all public water facilities, including services and meters shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

52. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide approved certifications for all private back flow prevention devices in a manner satisfactory to the Director of the Water Department and the City Engineer.

53. 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," shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

54. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

55. The developer 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.

56. The developer shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot or ownership.

57. 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.

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 March 30, 2004,
R-299250.

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.

Mission Village Properties, L.P.,
Owner/Permittee

By _____

By _____

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