

RESOLUTION NUMBER R-300119

ADOPTED ON FEBRUARY 8, 2005

WHEREAS, Ronald R. Fletcher, Ocean 3857, LLC, Owner and Michael Turk, Pacific Beach Investment Trust, Permittee, filed an application with the City of San Diego for a planned development permit and coastal development permit to construct eight residential condominiums and two commercial condominiums (a 1,300 square foot new commercial building and an existing 5,192 square foot commercial building) known as the Mission Boulevard Mixed Use project, located at 4287 Mission Boulevard, and legally described as a Portion of Lot 1793 MM 36 and all of Lots 2 through 6 in Block 262 of Pacific Beach Amended Map, in the City of San Diego, State of California, according to Map thereof, No. 791 in the Office of the County Recorder of San Diego County, December 29, 1894, in the CV 1-2 zone, the Coastal Overlay zone (Coastal Commission Non-Appealable Jurisdiction), the Coastal Height Limit Overlay zone, and the Parking Impact Overlay zone (Beach Impact Area) in the Pacific Beach Community Plan area; and

WHEREAS, on November 18, 2004, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 18169 and Planned Development Permit [PDP] Permit No. 154089, and pursuant to Resolution No. 3599-PC voted to approve the Permit; and

WHEREAS, Richard Pearson appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on February 8, 2005, 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 18169 and Planned Development Permit No. 154089:

**A. COASTAL DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0708**

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The subject property is located on the east side of Mission Boulevard between Thomas and Reed Streets approximately 400 feet from the Pacific Ocean. Existing visual, pedestrian and vehicular access to the ocean is along the Thomas and Reed corridors. The proposed 3-story, 30-foot high structure is entirely on private property and observes all development regulations and requirements of the following regulatory documents, all of which seek to protect public access ways and public views within the Coastal zone: Pacific Beach Community Plan, Coastal Overlay zone, Coastal Height Limit Overlay zone, Transit Area Overlay zone, Parking Impact Overlay zone. As designed, the proposed project will not encroach upon an existing physical access way, or negatively impact views to and along the ocean or other scenic coastal areas.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project area is currently a developed urban in-fill site with an existing 5192 square foot retail commercial building with accessory parking, and does not contain any environmentally sensitive lands. Therefore the proposed second commercial building and eight townhouse residential condominiums will not adversely affect these resources. Mission Bay is listed on the State Regional Water Quality Control Board impaired water body list; however adequate Best Management Practice requirements for stormwater runoff would be fulfilled by the proposed project. In addition, Mitigated Negative Declaration No. 9522 was prepared, and finalized on June 1, 2004 in accordance with the State of California Environmental Quality Act [CEQA] Guidelines. A Mitigation, Monitoring, and Reporting Program will be implemented which will reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for historical resources (archeological). Therefore the proposed project has been determined to qualify for an exemption from environmental review in accordance with State CEQA guidelines.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified

Implementation Program. The proposed mixed-use commercial & residential condominium project conforms with the certified Pacific Beach Community Plan and Local Coastal Program Land Use Plan, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the CV-1-2 zone and the City of San Diego Progress Guide and General Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site is not located between the first public roadway and the sea. Thomas and Reed Streets provide public access to the ocean where Ocean Boulevard (the boardwalk) also provides lateral access; therefore this project conforms to the public access and recreation policies of the California Coastal Act as required by this finding.

B. PLANNED DEVELOPMENT PERMIT SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The 0.59 -acre site is currently designated as Visitor Commercial on the Pacific Beach Community Plan land use map. One of the Goals of the Community Plan encourages mixed-use development to meet the variety of needs for existing and future resident and visitor populations (page 41). The project conforms with the Community Plan policies by providing eight residential units and 1300 square feet of new commercial space in addition to the 5,192 square feet of existing commercial space, and therefore, will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes the construction of a 25, 692 square foot, mixed-use project, including 1,300 square feet of new commercial development and 5,192 square feet of existing commercial space along Mission Boulevard, and 16,160 square feet (eight units) of attached residential development along the east side of the project site.

The proposed development includes commercial and residential development which serves the employees and employers of the area through adding housing supply in the immediate area of employment opportunities and expanding the commercial space available for businesses. The mixed use development would contribute to a reduction in vehicle trips and vehicle emissions through an increase in the area's jobs/housing balance.

The permit prepared for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. Further, there are no significant environmental impacts identified for the proposed project. In addition, the proposed development will be required to obtain Building Permits to show that all construction will comply with all applicable Building and Fire Code requirements. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. Per SDMC section 142.0560(j)(8)(C), driveways are not permitted for properties with access to an alley which have less than 150 feet of frontage (in this case, frontage

on Mission Boulevard, where the applicant has 125 feet of frontage). The applicant is proposing two access points: one from the existing alley to the east for the residential component of the project and the other (existing) from Mission Boulevard on the west side of the project, for the commercial component of the project.

The site is designated as Visitor Commercial in the Pacific Beach Community Plan and is zoned CV-1-2, which permits residential and commercial uses as part of a mixed-use development. There is an existing curb cut on Mission Boulevard which provides access to the existing commercial building. The proposed commercial building will be sited opposite the current commercial building along Mission Boulevard and will be accessed from the existing curb cut. The proposed eight residential units are sited at the rear of the property and required off-street parking spaces are provided within four fully enclosed tandem garages accessed from the alley. This proposed design results in dual access points, one for commercial and one for residential, effectively separating the two and minimizing conflicts between the uses.

The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed use would comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

4. The proposed development, when considered as a whole, will be beneficial to the community. The buildings have been designed as sustainable buildings, which would generate a portion of the electrical energy demand of the project. The residential uses would provide more than 50 percent of their energy needs while the new commercial use would generate more than 20 percent as prescribed in Council Policy 900-14. The permit has been conditioned to require the installation of solar photovoltaic electrical generating systems.

During the mid-day when peak energy demand occurs, the project will be generating power which will flow back into the local electrical grid. The project is one block from Fire Station 21 and the Pacific Beach Lifeguard Headquarters. The project will therefore be strengthening the electrical grid where essential public services may be at risk during limited power availability.

The project also incorporates Energy Star design features including: properly sized heating and cooling systems; Energy Star furnaces and air conditioners; tightly sealed and properly sized duct systems; Low-E windows; optimal insulation and building wrap for walls and attics; tank free water heaters; hydronic space heating units connected to the tank free water heaters; and high efficiency appliances.

The development would also contribute to the region's housing supply by constructing eight for-sale residential units and would also include 1,300 square feet of new commercial construction and 5,192 square feet of existing commercial space. The mixed use proposal would serve the employees and employers of the area through adding housing supply in the immediate area of employment opportunities and expanding the commercial space available for businesses. The mixed use development would contribute to a reduction in vehicle trips and vehicle emissions through an increase in the area's jobs/housing balance. The housing is also located in an area of recreational opportunities and would reduce vehicle trips from more distant residential areas to activities in Pacific Beach. The project would also make an in-lieu contribution towards the cost of affordable housing, upgrade improvements in the public right of way, as well as pay

all applicable public facilities financing and schools fees. Therefore, the proposed development, when considered as a whole, would be beneficial to the community.

5. Any proposed deviations pursuant to SDMC 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. Per SDMC section 142.0560(j)(8)(C), driveways are not permitted for properties with access to an alley which have less than 150 feet of frontage (in this case, frontage on Mission Boulevard, where the applicant has 125 feet of frontage). The applicant is proposing two access points: one from the existing alley to the east for the residential component of the project and the other (existing) from Mission Boulevard on the west side of the project, for the commercial component of the project.

The site is designated as Visitor Commercial in the Pacific Beach Community Plan and is zoned CV-1-2, which permits residential and commercial uses as part of a mixed-use development. There is an existing curb cut on Mission Boulevard which provides access to the existing commercial building. The proposed commercial building will be sited opposite the current commercial building along Mission Boulevard and will be accessed from the existing curb cut. The proposed eight residential units are sited at the rear of the property and required off-street parking spaces are provided within four fully enclosed tandem garages accessed from the alley. This proposed design results in dual access points, one for commercial and one for residential, effectively separating the two and minimizing conflicts between the uses.

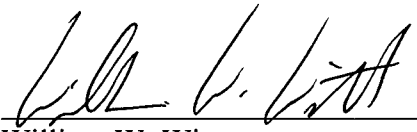
The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The 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 Richard Pearson is denied; the decision of the Planning Commission is sustained; and Coastal Development Permit No. 18169 and Planned Development Permit No. 154089 is granted to Ronald R. Fletcher, Owner and

Michael Turk, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

William W. Witt
Deputy City Attorney

WWW:pev
03/14/05
Or.Dept:Clerks
R-2005-943
MMS #:1477
PERMIT - Permit Resolution 11-01-04

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 DEVELOPMENT PERMIT NO. 154089
COASTAL DEVELOPMENT PERMIT NO. 18169
MISSION BOULEVARD MIXED-USE MMRP – PROJECT NO. 9522
CITY COUNCIL

This Planned Development Permit [PDP] No. 154089, and Coastal Development Permit [PDP] No. 18169 is granted by the Council of the City of San Diego to Ronald R. Fletcher, Ocean 3857, LLC, Owner, and Michael Turk, Pacific Beach Investment Trust, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604 and 126.0704. The 0.59-acre site is located at 4287 Mission Boulevard in the CV-1-2 zone, the Coastal Overlay zone (Coastal Commission Non-Appealable Jurisdiction), the Coastal Height Limit Overlay zone, and the Parking Impact Overlay zone (Beach Impact Area) of the Pacific Beach Community Plan area. The project site is legally described as a Portion of Pueblo Lot 1793 MM 36 and all of Lots 2 through 6 in Block 262 of Pacific Beach Amended Map, in the City of San Diego, State of California, according to Map thereof, No. 791 in the Office of the County Recorder of San Diego County, December 29, 1894.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct eight condominiums and two commercial condominiums (a 1,300 square foot commercial building and an existing 5,192 square foot commercial building), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated February 8, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Eight new, 3-story, market rate condominiums in two separate 4-unit, 3-story structures, separated by a 14 foot-wide courtyard that contains stairwells and enhanced paving; and two commercial condominiums (a new, 1,300 square-foot commercial building and an existing 5,192 square-foot commercial building, previously approved and constructed;)
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Off-street parking facilities;
- d. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14; and; and
- e. 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 permits, complete 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. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. As conditions of Planned Development Permit No. 154089 and Coastal Development Permit No. 18169, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration No. 9522 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration No. 9522 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be completed to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Historical Resources (Archeology).

14. The Mitigation, Monitoring, and Reporting Program [MMRP] shall require a deposit of \$1,100 to be collected prior to the issuance of the building permit to cover the City's costs associated with implementation of the MMRP in accordance with the provisions for the Long Term Monitoring Fee.

AFFORDABLE HOUSING REQUIREMENTS:

15. 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:

16. Prior to the issuance of the building permit, the applicant shall assure by permit and bond the construction of standard curb, gutter, sidewalk and paving of the alley satisfactory to the city engineer.

17. 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.

18. Prior to the issuance of any construction permit, the Applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit the Applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

20. Prior to the issuance of any construction permit the Applicant 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.

21. Prior to the issuance of any construction permit, the Applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

LANDSCAPE REQUIREMENTS:

23. In the event that the Landscape Plan and the Site Plan conflict, the Landscape Plan shall prevail.

24. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage and prior to issuance of a Certificate of Occupancy.

25. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

26. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

27. 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. Improvement plans shall take into account each tree planting area which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

PLANNING/DESIGN REQUIREMENTS:

29. No fewer than thirty-five off-street parking spaces, three motorcycle spaces, and seven bicycle 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

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

- a. Approved project sign plan (Exhibit "A"); or
- b. Citywide sign regulations.

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

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

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

39. 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.

40. 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.

41. 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 marked Exhibit "A."

42. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

WASTEWATER REQUIREMENTS:

43. Prior to the issuance of any engineering or building permits, the developer shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.

44. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

45. 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.

46. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

WATER REQUIREMENTS:

47. 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 disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of the Water Department, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any certificates 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.

50. 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. Public water facilities shall be modified at final engineering to comply with 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 Council of the City of San Diego on February 8, 2005 by Resolution No. RR-300119.

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.

Ocean 3857, LLC
Owner

By _____
Ronald R. Fletcher

Pacific Beach Investment Trust
Permittee

By _____
Michael Turk

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

PERMIT/OTHER – Permit Shell 11-01-04