

RESOLUTION NUMBER R-300568

ADOPTED ON JUNE 21, 2005

WHEREAS, Loma Cabrillo LLC, Owner, and Lennar-Greystone Homes, Inc., Permittee, filed an application with the City of San Diego to demolish two existing medical buildings and construct 170 residential condominium units, including deviations to retaining wall design criteria and vacation of the public right-of-way known as Kenyon Court (as described in and by reference to the approved Exhibits A and corresponding conditions of approval for the associated Permit No. 61679);

WHEREAS, the project site is located southwesterly of Kenyon and Fordam Streets in the CO-1-2 zone, Coastal Height, Airport Environs and Airport Approach Overlay zones, within the Midway Pacific Highway Corridor Community Plan; and

WHEREAS, the 7.02 acre project site is legally described as Parcel 1 of Vesting Tentative Map No. 211022 (previously known as Parcel 1 and a portion of Parcel 2 of PM No. 19321),

WHEREAS, the Planning Commission of the City of San Diego considered Planned Development Permit No. 61679 and pursuant to Resolution No. 3713-PC the Planning Commission voted 5-0-2 to recommend City Council approval of the project;

WHEREAS, the matter was set for public hearing on June 21, 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 Planned Development Permit No. 61679:

**A. PLANNED DEVELOPMENT PERMIT FINDINGS:**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed development will not adversely affect the adopted Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area plan which designate the area for Institutional land use and state that absent an Institutional land use the site may be developed with residential dwelling units. The proposed residential development conforms to policies in the Midway/Pacific Highway Corridor Community Plan including: "...new uses on previously designated institutional sites will be compatible with the surrounding neighborhood (p. 71)", "Should the hospital relocate, the site should be used for commercial office or residential development at a maximum of twenty-nine dwelling units per net acre (p. 75)." The proposal also conforms to other policies such as: "Require Planned Development projects to follow the development and urban design guidelines of this element." The project does adhere to Urban Design Guidelines for residential development in the community plan including: "Incorporate defensible space techniques into the design of multifamily projects by providing architectural detailing and individual unit features which will promote pride of ownership and delineate public, semiprivate, and private space. The visual and spatial orientation of recreational and open space areas should be linked to specific residential units within the project." The proposed project implements the Land Use Plan by providing a public dedication of sewer and storm drain easements, and will retain the community character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The development will provide for the health, safety, and welfare of the residents by providing for the orderly development of the area consistent with the Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area. The proposed project is designed to be sensitive to existing development in the surrounding neighborhood, and includes water quality facilities necessary to handle storm runoff from the project and improved capabilities to serve the vicinity. The proposed project will also provide the sewer and water facilities necessary to serve the residents. As such, the proposed development will not be detrimental to the public health, safety, and welfare. The permit prepared for the proposed residential development includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the City's Land Development Code in effect for this project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. As a component of this project, a deviation is granted to allow a series of two eleven-foot high retaining walls proposed, where the fence regulations would typically limit each wall height to nine-feet. Notwithstanding the retaining wall design deviations, the project will fully comply with the development regulations in effect for the subject property as described in Planned Development Permit No. 61679, and the regulations/guidelines pertaining to the subject property per the San Diego Municipal Code [SDMC], including the land use and development standards of the underlying CO-1-2 zone. Under the terms of the aforementioned project conditions, the development will not be

detrimental to the health, safety and general welfare of persons residing or working in the surrounding area.

**3. The proposed development will comply with the regulations of the Land Development Code.** The project's design meets the environmental and aesthetic design goals of the Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area. The proposed development complies with the Midway/Pacific Highway Corridor Community Plan, the North Bay Redevelopment Project Area, and the Land Development Code with the exception of retaining walls that exceed the height limit.

As a component of this project, a deviation is granted through the Planned Development Permit process to allow a series of two eleven-foot high retaining walls proposed, where the fence regulations would typically limit each wall height to nine-feet. The wall is necessary to limit the affect of project grading on the abutting properties and is screened from public right-of-way by the intervening residential buildings. Notwithstanding the retaining wall design deviations, the project will fully comply with the development regulations in effect for the subject property as described in Planned Development Permit No. 61679, and the regulations/guidelines pertaining to the subject property per the San Diego Land Development Code.

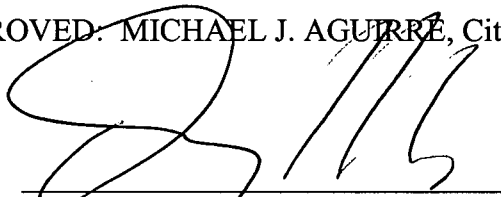
**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed development, when considered as a whole, will be beneficial to the community. The development will dedicate sewer and storm drain easements and construct said facilities, and will provide for water quality facilities capable of handling all project-related storm runoff. The development will also contribute to the region's housing supply by constructing 170 residential units, and it will pay all applicable public facilities financing and schools fees. The development will also pay the affordable housing fee to the City of San Diego for the development of affordable housing units. The proposed right-of-way vacation along Kenyon Court and resulting modified lot configuration, when considered as a whole, will be beneficial to the community in that it will provide improved utilization of land made possible by the street vacation. Further, the City will be relieved of any liability or maintenance costs with the land reverting to private ownership. The proposed residential development will exhibit design features compatible with the established scale of the existing neighborhood and will enhance the aesthetic quality and character of the vicinity in which the project is located.

**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.** As a component of this project, a deviation is granted through the Planned Development Permit process to allow a series of two eleven-foot high retaining walls proposed, where the fence regulations would typically limit each wall height to nine-feet. The proposed deviation is appropriate in 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 retaining walls will limit the affect of project grading on the abutting properties, is screened from public right-of-way by the intervening residential buildings and new landscaping, and will protect the aesthetic quality and character of the neighborhood in which the project is located.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Council of the City of San Diego, Planned Development Permit No. 61679 is hereby granted by the Council of the City San Diego to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 61679, a copy of which is attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



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Douglas K. Humphreys  
Deputy City Attorney

DKH:ai  
06/30/05  
Dept:DSD  
2005-1410

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

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

JOB ORDER NUMBER: 42-2234

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 61679  
**CABRILLO POINT LOMA - PROJECT NO. 23708 [MMRP]**  
CITY COUNCIL

This Planned Development Permit No. 61679 [Permit] is granted by the City Council of the City of San Diego to Loma Cabrillo LLC, Owner, and Lennar-Greystone Homes, Inc., Permittee, pursuant to the San Diego Municipal Code [SDMC]. The approximately 7.02 acre subject property is located southwesterly of Kenyon and Fordham Streets in the CO-1-2 zone, Coastal Height, Airport Environs and Airport Approach Overlay zones, within the Midway/Pacific Highway Corridor Community Plan Area. The project site is legally described as Parcel 1 of Vesting Tentative Map No. 211022 (previously known as Parcel 1 and a portion of Parcel 2 of PM No. 19321).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to demolish two existing medical buildings and construct 170 residential condominium units, including deviations to retaining wall design criteria and vacation of the public Right-of-way known as Kenyon Court, described and identified by size, dimension, quantity, type, and location on the approved Exhibit A, dated, June 21, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of two existing medical buildings;
- b. Construction of 170 residential condominium units within 17 buildings totaling 380,752 square feet, including a recreation building, pool and spa facilities;
- c. Retaining Wall Deviation: This project has been approved with a deviation to retaining wall design standards, to allow retaining wall heights up to sixteen-feet where twelve-feet is the maximum allowed;

- d. Off-street parking facilities, including 365 vehicle spaces and 17 motorcycle parking spaces;
- e. Landscaping (planting, irrigation and landscape related improvements) including installation of courtyards and parkways;
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the 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 Owner and 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.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

10. 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.

11. As conditions of Planned Development Permit No. 61679, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 23708 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 23708 satisfactory to the City Manager and City Engineer. Prior to issuance of any construction permit(s) or filing of final map(s), all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Paleontological Resources, Air Quality, Health and Safety, and Utilities-Construction Waste.

13. The MMRP shall require a deposit of \$1,000 to be collected prior to the issuance of any discretionary approvals to cover the City's costs associated with implementation of the MMRP.

**ENGINEERING REQUIREMENTS:**

14. This Planned Development Permit shall comply with the conditions of the map for Vesting Tentative Map No. 211022.

**LANDSCAPE REQUIREMENTS:**

15. SPECIAL CONDITION - TREE RELOCATION: Prior to issuance of any construction permits (including demolition and engineering), landscape construction documents for tree relocation shall be submitted to the Landscape section of Development Services for review and approval. The tree relocation information shall be prepared by a consulting Arborist, certified by the International Society of Arboriculture [ISA], and shall include a summary table and graphic indicating the location, height, trunk diameter, complete drip line and type for all trees which will be removed, relocated or impacted by the proposed project. The tree relocation plan shall include a program and methodology for scheduled root cutting/transplanting and shall determine the limit of root exploration with an air spade or similar method.

16. SPECIAL CONDITION - TREE REPLACEMENT PROGRAM: Prior to grading permit approval, the Permittee shall provide a tree replacement plan (in the event transplanted trees do not survive) showing the quantity, size and location of replacement trees at a minimum 24-inch box size. Replacement trees shall be of the same or similar species (such as Pinus halepensis or Pinus eldarica) and shall normally attain the same



Form and Function at maturity. The tree replacement plan shall include screening shrubs at the top of slope where tree transplantation and replacement is proposed. Screening shrubs shall be fifteen gallon and shall normally attain a minimum mature height of six feet.

17. SPECIAL CONDITION - LONG-TERM ESTABLISHMENT/MAINTENANCE: Prior to grading permit approval, the Owner and/or Permittee shall enter into a Landscape Establishment /Maintenance Agreement [LEMA] for all tree transplantation and tree and shrub replacement. The LEMA shall include a three to five year monitoring period to ensure the success of transplanted trees or replacement trees as necessary. A certified Arborist shall provide annual reports to and request inspections from the Mitigation Monitoring & Coordination [MMC] section of Development Services. The LEMA shall be approved by the Landscape section of Development Services.

18. SPECIAL CONDITION - IRRIGATION: The tree replacement plan shall include landscape construction documents with a separate irrigation system. Replacement trees & shrubs shall be irrigated with a separate low flow or drip irrigation system (including an injection fertilizer mechanism) to insure accelerated growth to compensate for the loss of privacy and bio mass.

19. CHANGES: Any proposed changes to approved plans shall require a Substantial Conformance Review [SCR] or Mitigation Monitoring & Coordination [MMC] approval of field changes or an as-built plan, as determined by the City Manager.

20. Prior to beginning any work on site, it shall be the responsibility of the Permittee or subsequent Owner to arrange for a pre-construction conference between the contractor(s) and City Staff. This may include but is not limited to the Resident Engineer, MMC Coordinator, grading and landscape contractor, private consultants, a certified arborist and the landscape architect of record.

21. 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.

22. Prior to issuance of any construction permits for structures, 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.

23. 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 a forty-square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit A.

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

26. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

27. Prior to any grading (building permit) the Permittee or subsequent Owner shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

28. 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.

29. Non-contiguous sidewalks: Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation construction documents consistent with the Exhibit A Landscape Development Plan shall be submitted to the City Manager for approval. The improvement plans shall reflect non-contiguous sidewalks and shall provide a forty-square foot street tree growing area (for each tree) that is located within the parkway between the sidewalk and back of curb.

**PLANNING/DESIGN REQUIREMENTS:**

30. SPECIAL CONDITION: As discussed at the City Council hearing of June 21, 2005, no demolition permit shall be issued by the City of San Diego for the new Alternatives building(s) unless and until new Alternatives has obtained necessary clearances to relocate its operations, to the satisfaction of its Director, Michael Bruich, or his successor. Written verification to this effect shall be provided to Development Services prior to the issuance of any demolition permits.

31. Lighting: All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

32. Avigation Easement: Prior to submitting any building permit application to the City for review, the applicant shall coordinate with the San Diego County Regional Airport Authority to determine whether an avigation easement is necessary to be granted across the property for the purpose of maintaining all aircraft approach paths to Lindbergh Field. If an avigation easement is required, please provide the County Recorder's recording number for the avigation easement. If no avigation easement is required, written verification from the SDCRAA shall be submitted with the application.

33. This permit shall allow for a residential project to implement the Midway-Pacific Highway Community Plan.

34. Pedestrian pathways shall be provided and maintained as shown on Exhibit A, including enhanced paving across private drives.

35. All fences, walls, and retaining walls shall contain at least one horizontal or vertical offset for every 120-square feet of fence or wall area. The offset shall be at least 12 inches wide with a minimum reveal of 4 inches.

36. This permit shall allow for retaining wall heights as shown on Exhibit A.

37. The project shall not be developed or maintained as a gated community. Pedestrian and vehicle access to the site must be available at all times. The pool area shall be fenced and access regulated as required by the SDMC.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

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

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

45. 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.

#### **TRANSPORTATION REQUIREMENTS:**

46. Shared Access Agreement: Since the project is proposing to vacate Kenyon Court a shared access agreement will be required to maintain access to Lot 1 of Map 4714 off of project's main driveway at Kenyon Street.

47. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002), and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141), satisfactory to the City Engineer.

48. No fewer than 365 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 requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

#### **WATER REQUIREMENTS:**

49. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the replacement of the existing eight-inch main with a new twelve-inch public water main within Kenyon Street right-of-way between the existing Kenyon Court and Fordham Street, in a manner satisfactory to the Water Department Director and the City Engineer.

50. 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 Water Department Director and the City Engineer.

51. 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 Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

52. All on-site water facilities shall be private. Prior to the issuance of any building or engineering permits, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of the on-site private water systems that serve or traverse more than a single unit.

53. 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 Water Department Director and the City Engineer.

54. 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.

**WASTEWATER REQUIREMENTS:**

55. Prior to the issuance of any grading permits, the developer shall relocate on-site public sewer mains, satisfactory to the Metropolitan Wastewater Department Director. Any associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department.

56. Prior to the issuance of any grading permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of twenty-feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department.

57. Prior to the issuance of any building permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for all approved structures or landscaping, including private sewer facilities and enhanced paving, installed in or over any public sewer easement or right of way.

58. No structures or landscaping that would inhibit vehicular access shall be installed in or over any public sewer access easement.

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

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

61. Prior to the issuance of any engineering or building permits, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, 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.

62. The developer shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.

**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 June 21, 2005, by Resolution No. R-2005- 300568

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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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.

Loma Cabrillo LLC  
Lennar-Greystone Homes, Inc

By \_\_\_\_\_

By \_\_\_\_\_

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