

RESOLUTION NUMBER R-300784

ADOPTED ON AUGUST 9, 2005

WHEREAS, Windmill Construction Company, Owner/Clifford LaMonte, individual, Permittee, filed an application with the City of San Diego for a site development permit to construct a 7-level, twelve dwelling unit condominium building over and under a parking garage, retaining walls, landscape, and minor improvements in the public right-of-way known as the Promontory Point Condominiums project, located at the northerly terminus of Sixth Avenue, north of Arbor Drive, on the east side of Sixth Avenue and southwest of State Highway 163 in the Medical Complex neighborhood, and legally described as a Portion of Lots 28 and 29, Fleischers Addition, Map No. 811, in the Mid-City Planned District of the Uptown Community Plan area, in the MR-800B zone; and

WHEREAS, on June 30, 2005, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 123430, and pursuant to Resolution No. 3800-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on August 9, 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 Site Development Permit No. 123430:

**A. SITE DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE [SDMC]  
SECTION 126.0504**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The proposed project site is located at the terminus of Sixth Avenue, north of Arbor Drive, on the east side of Sixth Avenue and southwest of State Highway 163 in the Medical Complex neighborhood of the Uptown Community Planning Area. The Uptown Community Plan identifies the proposed site for residential development. The density designated for the site is typically for larger sites in the core of the community surrounding the Hillcrest commercial area rather than smaller sites such as the project site. With a site area of 15,225 square feet up to twenty-five units are permitted in the MR-8008B zone. The project is on a smaller site than typically falls within the land use density designated.

The Uptown Community Plan Urban Design guidelines state: "Multi-family development(s) should incorporate wall texture variations, façade off-sets, upper floor setbacks, and the utilization of varied roof forms." The proposed project incorporates variations in wall texture through the use of a variety of building materials from board-formed and smooth concrete as well as other building materials found in the neighborhood, such as masonry and stucco. The project proposes multiple offsetting façade planes as required by the planned district, predominantly on the east elevation. The upper floors have large setbacks along the east elevation, with large terraces on flat roofs. Varied roof forms are a characteristic of the proposed project with an ascending curved shed roof over one penthouse unit and flat roofs of varied heights over the other penthouse unit, lobby and elevator tower.

The Uptown Community Plan Urban Design Element general guidelines recommend: "hillside developments complement the natural character of the land, minimize disturbance of the topography, and ensure minimal danger to human life and property." Terracing the project down the steep site will assure a compatibility of the structures with the existing character of the site and reflect the topographic characteristics of the site. The building design will reduce the need for substantial on-site grading while also reducing visual clutter.

The proposed project will visually integrate with the other surrounding residential land uses. The design of the proposed project will provide an infill project adding twelve dwelling units to the community thus providing additional housing opportunities and utilizing a currently undeveloped parcel. The design of the proposed project is consistent with the design concepts and policies of the Uptown Community Plan. Being determined the proposed Promontory Point Condominiums project will meet the specific goals of the community plan for an infill residential project, the land use plan will not be adversely affected by the approval of the project.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The Mid-City multi-family residential zones are intended to "provide for development compatible with the pattern of the existing neighborhoods. Development is to be street friendly by providing active, accessible and surveillable streets and street yards." The project's proposed residential lofts and flats will provide surveillance

opportunities from the building to the street and enhance the opportunity for pedestrian and resident interaction through large expansive windows facing the street.

The project will comply with all relevant regulations of the City of San Diego's Municipal Code including deviations as allowed by the Mid-City Planned District Purpose and Intent, the California Building Code, Title 24, Electrical, Mechanical and Fire Codes addressing the public health, safety and general welfare. The conditions of approval for the project require continued compliance with these regulations during construction and during the use of the site. The development of the proposed project would not be detrimental to the public health, safety and welfare.

The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to persons or other properties in the vicinity and will be required throughout the life of the project.

The proposed development includes the vacation of unused right-of-way in conformance with Council Policy 600-15. Returning this unused right-of-way to private ownership is in the interests of the City. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed twelve residential units will comply with the applicable regulations of the Mid-City Planned District included within Chapter 10 of the San Diego Municipal Code, including land use, density, coverage and floor area ratio.

The project is located on steeply graded topography with the highest point at terminus of Sixth Avenue. The site slopes steeply from the cul-de-sac down towards State Highway 163. The project thus proposes to combine the two FAR's on the site to keep the structure at the top of the steep site rather than distribute building on the lower portion of the site at the bottom of the slope and closer to State Highway 163. This FAR distribution will improve the direct access to the site and will minimize impact of grading to the steep topography. The proposed FAR distribution will also contribute to the environmental welfare of the residents by creating more space between State Highway 163 and the dwelling units.

The project would deviate from the MR-800B second through seventh floor side and street yard setbacks. The setback deviations allow the project to rest mainly on the east elevation and follow the slope of the land. The project also deviates from the height limit of 70'-0" in the MR-800B zoned area to a height of 87'-6". These height and setback deviations allow the project to complement the steep topography of the land. The height and setback deviations

allow the proposed project to minimize the disturbance to the steep topography in compliance with the Urban Design Guideline delineated in the Uptown Community Plan. The building design will minimize the use of tall retaining walls.

Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 123430, except as proposed deviations allowed through the Mid-City Planned District with regard to zoning requirements of maximum building height and side yard setbacks. Development of the property shall meet all other requirements of the regulations and development criteria in effect at this site for the proposed uses.

**2. Findings for all Site Development Permits issued in the Mid-City Planned District – SDMC Section 103.1501**

**a. Conformance with Community Plan and Design Manual. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (SDMC section 103.1501), and the following documents, as applicable to the project site: the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan, the Mid-City Design Plan, (California State Polytechnics University, Pomona; Graduate Studies in Landscape Architecture; June 1983), Design Manual for the Normal Heights Demonstration area and the City Heights Demonstration Area (HCH Associates and Gary Coad; April, 1984), the Design Study for the Commercial Revitalization of El Cajon Boulevard (Land Study, Rob Quigley, Kathleen McCormick), the North Park Design Study, Volume 1, Design Concept and Volume 2, Design Manual (The Jerde Partnership, Inc. and Laurence Reed Molin, Ltd.); Sears Site Development Program (Gerald Gast and Williams-Kuebelbeck and Associates, 1987); and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan or the Progress Guide and General Plan and General Plan of the City of San Diego. Being determined the proposed Promontory Point Condominiums project will meet the specific goals of the community plan for an infill residential project, the land use plan will not be adversely affected by the approval of the project. All design recommendations found in the design studies which are applicable have been incorporated into the building and site design to prevent adverse affects to those persons or other properties in the vicinity. For additional factual information addressing this required finding, see Site Development Permit finding A.1.a above.**

The proposed project meets the purpose and intent of the Mid-City Communities Planned District which states: “its goals and objectives are to assist in the implementation of the adopted community plan.” The Uptown Community Plan Urban Design guidelines state: “Multi-family development(s) should incorporate wall texture variations, façade offsets, upper floor setbacks, and the utilization of varied roof forms.” Wall texture variation is incorporated in the proposed project design through a variation of materials from board-formed and smooth concrete as well as enlisting a variety of other building materials found in the neighborhood, such as masonry and stucco. The project proposes multiple offsetting façade planes, predominantly on the east elevation. Upper floors have large setbacks on the east elevation, with large terraces on flat roof spaces. Varied roof forms are a characteristic of the proposed project with an ascending

curved shed over one penthouse unit and flat roofs of varied heights over the other penthouse unit, lobby, and elevator tower.

The Uptown Community Plan Urban Design Element general guidelines “require(s) that hillside developments complement the natural character of the land, minimize disturbance of the topography and ensure minimal danger to human life and property.” The proposed project will terrace down the existing steep site to minimize the height of the project when viewed from Sixth Avenue. Terracing the project down the steep site reflects the character of the topography, reduces on-site grading and reduces further visual clutter.

A recommendation in the Uptown Community Plan for the Medical Complex neighborhood is to “Restrict further vehicle access through the open space areas to Mission Valley.” The proposed street vacation complies with this recommendation.

It is also the purpose of the Mid-City Planned District to encourage development of quality multiple residential structures within the Greater North Park and Uptown communities, which relate in scale and design to the surrounding neighborhood, and provide an attractive street environment. The project, located on the northeast edge of the Medical Center Complex neighborhood and zoned for MR-800B development, proposes to three stories when viewed from Sixth Avenue and seven stories when viewed from State Highway 163. The site is adjacent to two 2-story multi-family developments located on level building site. When viewed from within the neighborhood the design of the proposed structure will compliment the scale and massing of the existing neighborhood. The design of the building will utilize a variety of building materials characteristic to the neighborhood, such as; masonry; concrete; and stucco.

**b. Compatibility with surrounding development. The proposed development will be compatible with existing and planned land uses on adjoining properties and will not constitute a disruptive element of the surrounding neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable.** The site is adjacent to two structures which are two stories each when viewed from the street. The proposed use of medium-high density residential at this site reflects the same land use elements and scale as is currently allowed by the Land Use Plan for the area. Architectural harmony with the surrounding neighborhood and community is achieved by providing enclosed parking; by planting new trees to line the street frontage; and by enlisting a variety of building materials characteristic to the neighborhood, such as; masonry; concrete; and stucco. The proposed design adapts to the steeply sloping terrain by allowing the building to curve with the shape of the steep site and complement the steeply graded topography. In doing so, the proposed project minimizes the use of retaining walls. Therefore the proposed project will achieve an architectural harmony with the surrounding neighborhood and community.

**c. No detriment to health, safety or welfare. The proposed use, because of conditions that have been applied to it, 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 property in the vicinity of the project site.** The project will comply with all relevant regulations of the City of San Diego’s Municipal Code including deviations as allowed by the Mid-City Planned District Purpose and Intent, the California Building Code, Title 24, Electrical,

Mechanical and Fire Codes addressing the public health, safety and general welfare. The conditions of approval for the project require continued compliance with these regulations during construction and during the use of the site. The development of the proposed project would not be detrimental to the public health, safety and welfare. For additional factual information addressing this required finding, see Site Development Permit finding A.1.b. above.

**d. Adequate public facilities. For residential and mixed residential/commercial project within the park-deficient neighborhood shown on Map Number B-44104 that are not exempted by SDMC section 103.1504(h)(1)(A)(i) or Section 103.1504(h)(1)(A)(ii), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space area per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of ten feet in either dimension. The area will be landscaped and may also include hardscape and recreational facilities.** The project site has been reviewed to consider whether the neighborhood is park-deficient as shown on Map No. B-44104. The site is not within a neighborhood identified as park-deficient. Furthermore, there are no open space impacts proposed by this project.

**e. Adequate lighting: In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the San Diego Municipal Code is provided on-site.** The project site proposes to provide street lights along the street edges where there currently is no street light within 150' 0" of another street light. The construction of the proposed project and improvements to the public right-of-way will bring lighting improvements to the immediate neighborhood. The public will benefit by the increase of lighting in this neighborhood by the construction of the proposed project.

**f. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.** The proposed twelve residential units will comply with the applicable regulations of the Mid-City Planned District included within Chapter 10 of the San Diego Municipal Code, including land use, density, coverage and floor area ratio. For additional factual information addressing this required finding, see Site Development Permit finding A.1.c. above.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 123430 is granted to Windmill Construction Co.,

Owner/Clifford LaMonte, 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 Shannon M. Thomas  
Shannon M. Thomas  
Deputy City Attorney

SMT:pev  
08/19/05  
Or.Dept:Clerk  
R-2006-138  
MMS #2202  
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

JOB ORDER NUMBER: 40-0838

SITE DEVELOPMENT PERMIT NO. 123430  
**PROMONTORY POINT CONDOMINIUMS [MMRP]**  
City Council

This Permit is granted by the Council of the City of San Diego to Windmill Construction Company, Owner, and Clifford W. LaMonte, Individual, Permittee, pursuant to the Land Development Code of the City of San Diego [LDC]. The 0.35-acre site is located at the northerly terminus of Sixth Avenue, north of Arbor Drive, on the east side of Sixth Avenue and southwest of State Highway 163 in the Medical Complex neighborhood in the MR-800B zone of the Mid-City Planned District of the Uptown Community Plan. The project site is legally described as a Portion of Lots 28 and 29, Fleishers Addition, Map No. 811.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 7-level, twelve dwelling unit condominium building over and under a parking garage, retaining walls, landscape, and minor improvements in the public right-of-way, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 9, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. A 7-level, twelve dwelling unit condominium development which totals 20,912 square feet over and under a parking garage;
- b. Landscape (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Retaining walls, a maximum height deviation of 17'-6" and yard setback deviations as shown on Exhibit "A"; 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 LDC 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 San Diego Municipal Code [SDMC]/LDC 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. 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.

8. 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 discretionary 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 obtaining this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the 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:**

9. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigate Negative Declaration, Project No. 1612 satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Noise  
Paleontological Resources

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

#### **ENGINEERING REQUIREMENTS:**

11. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer, referred to as an "engineering permit," for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

12. The drainage system proposed with this development is subject to approval by the City Engineer. Owner/Permittee shall use standard reinforced concrete pipe [RCP] for any drainage facility in the public right-of-way.

13. Prior to the issuance of any permits, the Owner/Permittee shall dedicate the necessary width at the cul-de-sac to provide a ten foot curb to property line distance.

14. Prior to the issuance of any permits, the Owner/Permittee shall assure by permit and bond the construction of a standard driveway at the cul-de-sac satisfactory to the City Engineer.

15. Prior to the issuance of any permits, the Owner/Permittee shall assure by permit and bond the construction of a standard curb, gutter and sidewalk satisfactory to the City Engineer.

16. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent [NOI] shall be filed with the SWRCB.

17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

18. Prior to building occupancy, the Owner/Permittee shall conform to the Municipal Code, "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.

19. Prior to the issuance of any permits, the Owner/Permittee shall obtain a letter of concurrence from Caltrans for the grading and construction of the proposed 18 inch RCP storm drain pipe in their right-of-way.

#### **LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any grading permits, complete landscape construction documents, including a permanent automatic irrigation system, shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A."

21. 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.

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," Landscape Development Plan.

23. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be the responsibility of the Permittee/Owner, to assure that it shall be repaired and/or replaced in kind and equivalent size per the approved plans within fifteen days.

24. 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.

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 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.

**PLANNING/DESIGN REQUIREMENTS:**

26. No fewer than twenty-two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the requirements of the SDMC/LDC and shall not be converted for any other use unless otherwise authorized by the City Manager.

27. The height of the building or structures shall not exceed those heights as set forth on Exhibit "A" (including, but not limited to, elevations and cross sections). A deviation to the height limit and yard setbacks is granted as a specific condition of this Permit.

28. A topographical survey conforming to the provisions of the SDMC/LDC 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 regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

29. 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.

30. 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.
31. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
32. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
33. The Owner/Permittee shall post a copy of the approved Site Development Permit No. 123430 in the sales office for consideration by each prospective buyer and shall be included in all escrow papers.
34. 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.
35. 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, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.
36. No merchandise, material, or equipment shall be stored on the roof of any building.
37. 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."

**WASTEWATER REQUIREMENTS:**

38. No private sewer facilities shall be installed in or over any public right of way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
39. Prior to the issuance of any building permits, the Owner/Permittee shall construct a private sewer encroachment lateral and connect it to an existing public sewer main.
40. Prior to the installation of private sewer facilities in or over any public right of way, the applicant shall obtain an Encroachment Maintenance and Removal Agreement.

41. The Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&Rs for the operation and maintenance of private sewer facilities, including private pump stations and force mains, that serve more than one unit.

42. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

43. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a 12-inch public water facilities within the 6th Avenue right-of-way from the Cul-de-Sac to the existing water facilities in Arbor Drive in a manner satisfactory to the Water Department Director and the City Engineer.

44. 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) and meter(s) within the 6th Avenue right-of-way, outside of any vehicular use area, in a manner satisfactory to the Director of the Water Department and the City Engineer.

45. 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.

46. 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 Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A," will be modified in accordance with standards and requirements at final engineering.

**TRANSPORTATION REQUIREMENTS:**

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.

**GEOLOGY REQUIREMENTS:**

48. Prior to issuance of any engineering permit for improvement or grading plans, an updated geotechnical investigation report will be required to be submitted for review and approval by LDR Geology. The geotechnical investigation should be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports.

**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 August 9, 2005 by Resolution No. R-300784.

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.

WINDMILL CONSTRUCTION  
COMPANY  
Owner

By \_\_\_\_\_

CLIFFORD W. LAMONTE, individual,  
Permittee

By \_\_\_\_\_

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