

RESOLUTION NUMBER R-301251

DATE OF FINAL PASSAGE FEBRUARY 21, 2006

WHEREAS, RBI Investors, LP, a Delaware limited partnership, Owner/Permittee, filed an application with the City of San Diego for a conditional use permit and a planned development permit to demolish nine existing tennis courts and construct a 9,950 square foot meeting/ballroom, 1,150 square feet of storage areas, a 2,560 square-foot kitchen, swimming pool, lawn areas, patio areas and accessory areas totaling 26,000 square feet of new development area on portions of a 137 48-acre site known as the Rancho Bernardo Inn project, located at 17550 Bernardo Oaks Drive, east of Devereaux Road and west of Pomerado Road, and legally described as Portions of Parcel 2 and 3, Map No 4380, and Parcel 1 of Map No 509, including other small contiguous parcels identified as APN 272-110-40, in the Rancho Bernardo Community Plan area, in the RS-1-14 zone, and

WHEREAS, on November 10, 2005, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] No 132890/Planned Development Permit [PDP] No 263778, and pursuant to Resolution No 3880-PC voted to approve the Permit, and

WHEREAS, David G Eisenstein, et al, 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 21, 2006, 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 Conditional Use Permit No 132890/Planned Development Permit No 263778

A. **CONDITIONAL USE PERMIT - SAN DIEGO MUNICIPAL CODE [SDMC]**  
**SECTION 126.0305**

1. **The proposed development will not adversely affect the applicable land use plan.** The Rancho Bernardo Community Plan's commercial and recreation element designates the subject property for resort/golf course use and states that "commercial recreational uses and meeting area are encouraged to locate in private facilities such as the Rancho Bernardo Inn" (Page 66). The proposed project conforms to this designated use as recommended in the community plan. Additionally, the Rancho Bernardo Inn was approved by Conditional Use Permit in 1962. This Conditional Use Permit was subsequently amended six times and each time positive findings were made that the Rancho Bernardo Inn use, as then proposed, would not adversely affect the then existing applicable land use plan. The project as currently proposed would not materially change or affect the existing operations of the Rancho Bernardo Inn and will continue to implement the applicable land use plan. Therefore, the project 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 proposed development has been designed and will be constructed to meet all applicable zoning codes, environmental, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. The proposed development will provide for the health, safety and welfare of residents by incorporating measures to improve traffic flow, parking, and reduce potential impacts from lighting and noise. The proposed development will limit exterior lighting through intensity, direction and shading to comply with all current standards. The proposed meeting/ballroom building will be designed with self closing doors that lead to an enclosed patio. The proposed meeting/ballroom building will operate within the City of San Diego's adopted noise standards. As such, the proposed development will not be detrimental to the public health, safety and welfare.

3. **The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed development complies with the San Diego Municipal Code, specifically the RS-1-14 zone for building height, setbacks and required onsite parking spaces. The proposed development complies with the resort use designated within the Rancho Bernardo Community Plan for the project site. The proposed development will not obstruct any public view or scenic vista and the architectural style of the building will be compatible and similar in character to the existing surrounding neighborhood and community.

4. **The proposed use is appropriate at the proposed location.** As previously stated, a Conditional Use Permit for the existing Rancho Bernardo Inn was originally approved in 1962 and amended six times. In each instance, positive findings were made that the Rancho Bernardo Inn use, as then proposed, was an appropriate use at the subject site. The Rancho Bernardo community is a planned community containing four golf courses. The Rancho Bernardo Inn has been operating within the community since 1962. The Rancho Bernardo Community Plan promotes commercial recreational uses and meeting areas are "encouraged to locate in private facilities such as the Rancho Bernardo Inn." The proposed meeting/ballroom building will serve as a destination for conferences and banquets. These improvements will

continue to implement the goals of the Rancho Bernardo Community Plan. As such, the proposed use is appropriate at the proposed location.

**B. PLANNED DEVELOPMENT PERMIT - SDMC SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The Rancho Bernardo Community Plan's commercial and recreation element designates the subject property for resort/golf course use and states that "commercial recreational uses and meeting area are encouraged to locate in private facilities such as the Rancho Bernardo Inn" (Page 66). The proposed project conforms to this designated use as recommended in the community plan. The project as currently proposed would not materially change or affect the existing operations of the Rancho Bernardo Inn and will continue to implement the applicable land use plan. Therefore, the project 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 proposed development has been designed and will be constructed to meet all applicable zoning codes, environmental, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. The proposed development will provide for the health, safety and welfare of residents by incorporating measures to improve traffic flow, parking, and reduce potential impacts from lighting and noise. The proposed development will limit exterior lighting through intensity, direction and shading to comply with all current standards. The proposed meeting/ballroom building will be designed with self-closing doors that lead to an enclosed patio. The proposed meeting/ballroom building will operate within the City of San Diego's adopted noise standards. As such, 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.** The proposed development complies with the San Diego Municipal Code, specifically the RS-1-14 zone including, but not limited to building height, setbacks, floor area ratio and required onsite parking spaces. The proposed development complies with the resort/golf course use designated within the Rancho Bernardo Community Plan for the project site. Further, the proposed development is consistent with the existing neighborhood scale and is designed to minimize noise, visual impacts and is architecturally consistent in terms of style and materials with the existing Rancho Bernardo Inn and adjoining community. No deviations from the Land Development Code are requested as part of the proposed development.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The Rancho Bernardo community is a planned community containing four golf courses. The Rancho Bernardo Inn has been operating within the community since 1962. The Rancho Bernardo Community Plan promotes commercial recreational uses and meeting areas are "encouraged to locate in private facilities such as the Rancho Bernardo Inn." The proposed meeting/ballroom building will serve as a destination for conferences and banquets. These improvements will implement the goals of the Rancho Bernardo Community Plan. The proposed development when considered as part of the larger project, Rancho Bernardo Inn, the proposed meeting/ballroom building would be beneficial to the community by providing additional meeting and banquet space for both business and social events. The proposed meeting/ballroom

building allows for the continued viability of the Rancho Bernardo Inn, which has been an important community focal point since 1962. As such, the proposed use is appropriate at the proposed location.

**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.** The proposed development is not requesting any deviations from the underlying zone. The Planned Development Permit is for the proposed project meeting the applicable land use plan, in this case, the Rancho Bernardo Community Plan. The community plan designates the proposed project as resort/golf course use. The proposed meeting/ballroom building would be constructed within the area designated as golf course within the community plan. The Rancho Bernardo Community Plan's commercial and recreation element designates the subject property for resort/golf course use and states that "commercial recreational uses and meeting area are encouraged to locate in private facilities such as the Rancho Bernardo Inn" (Page 66). As such, the proposed meeting/ballroom building would result in a more desirable project.

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

BE IT FURTHER RESOLVED, that the appeal of David G. Eisenstein, et al, is denied, the decision of the Planning Commission is sustained, and Conditional Use Permit No. 132890/Planned Development Permit No. 263778 is granted to RBI Investors, LP, a Delaware limited partnership, Owner/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

  
\_\_\_\_\_  
Douglas K. Humphreys  
Deputy City Attorney

DKH pev  
02/24/06  
Or. Dept. Clerk  
R-2006-751  
MMS #3080

**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 42-3114

CONDITONAL USE PERMIT NO 132890  
PLANNED DEVELOPMENT PERMIT NO 263778  
**RANCHO BERNARDO INN [MMRP]**  
AMENDMENT TO CONDITIONAL USE PRMIT NO 86-0936  
CITY COUNCIL

This Conditional Use Permit No 132890/Planned Development Permit No 263778, amendment to Conditional Use Permit No 86-0936, County Recorder's Office Document Number 87 183965, dated April 7, 1987, is granted by the Council of the City of San Diego to RBI Investors, LP, a Delaware Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126 0301 and 126 0601 The 137 48-acre site is located at 17550 Rancho Bernardo Oaks Drive, east of Devereaux Road and west of Pomerado Road, in the RS-1-14 zone of the Rancho Bernardo Community Plan area The project site is legally described as portions of Parcel 2 and 3, Map No 4380 and Parcel 1 of Map No 509, including other small contiguous parcels identified as APN 272-110-40

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish nine existing tennis courts and construct a 9,950 square foot meeting/ballroom, 1,150 square feet of storage areas, a 2,560 square-foot kitchen, swimming pool, lawn areas, patio areas and accessory areas totaling 26,000 square feet of new development area within the 137 48-acre property that currently supports the Rancho Bernardo Inn, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 21, 2006, on file in the Development Services Department

The project or facility shall include

- a Demolition of nine existing tennis courts,
- b Construction of a 9,950 square foot meeting/ballroom building with a 2,560 square foot kitchen, 1,150 square-feet of storage areas, accessory areas, swimming pool, lawn areas, and patio areas totaling 26,000 square feet,

- c Landscaping (planting, irrigation and landscape related improvements),
- d Off-street parking facilities, 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 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 Conditional Use Permit No. 132890/Planned Development Permit No. 263778, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration LDR No. 42-3114 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. 42-3114 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Paleontological Resources.

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

14 Amplified music shall not be allowed outside of the meeting/ballroom building at any time during operational hours

### **ENGINEERING REQUIREMENTS**

15 Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance, satisfactory to the City Engineer

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

17 Prior to the issuance of any construction permit the Owner/Permittee 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

18 The drainage system for this project shall be private and will be subject to approval by the City Engineer

19 Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading 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

20 Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No 99 08 and the Municipal Storm Water Permit, Order No 2001-01 (NPDES General Permit No CAS000002 and CA S0108758), 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 implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB

21. 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 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C 7 of SWRCB Order No 99 08 DWQ

### **LANDSCAPE REQUIREMENTS**

22 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



23 Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A "

24 In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area "

25 Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under San Diego Municipal Code/ Land Development Code [SDMC/LDC] section 142 0403(b)(5)

26 Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections Prior to the issuance of an occupancy permit, the Owner/Permittee shall install appropriate landscaping to visually screen the maintenance yard and install fencing to reduce the noise generated from the maintenance area and recycling area Recycling hours will be restricted to 9 00 AM to 7 00 PM

27 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

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

### **PLANNING/DESIGN REQUIREMENTS**

29 The Permittee shall comply with all conditions as set forth in the original Conditional Use Permit No 86-0936, as amended

30 No fewer than 584 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A " Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager The Owner/Permittee shall implement and maintain primarily valet parking in the main south lot, 24 hours per day, 7 days per week Valet parking will be established and maintained so as to increase onsite

parking from the current 584 spaces to accommodate no less than 684 vehicles. There will be no charge for this service to day only guests. A self parking option will be maintained for 308 of the 684 vehicles.

31 The Owner/Permittee shall restrict direct access from the main parking lot to Bernardo Oaks Drive except for emergency access only. The main ingress/egress for the project site shall be from Greens East Road. Promotional material shall reflect Greens East Road as the main ingress/egress for the project site.

32 The Owner/Permittee shall maintain a Parking Management Plan to coordinate daily activities and special events to accommodate the parking required for these on-site events.

33 There shall be no more than twelve special events planned for the project site per calendar year.

34 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.

35 The height of the building or structure shall not exceed the maximum permitted building height of the underlying zone.

36 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.

37 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.

38 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.

39 Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses.

and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

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

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

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

43 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.

44 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.

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."

#### **WASTEWATER REQUIREMENTS**

46 The Owner/Permittee shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of

San Diego sewer design guide Proposed facilities that do not meet the current standards shall be redesigned to city standards or become private facilities

47 Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development

48 The Owner/Permittee 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

49 According to County of San Diego Department of Environmental Health, swimming pool discharge to a sanitary sewer shall be connected through an air-gap type separation The Owner/Permittee shall get an Industrial Wastewater User's Permit for the swimming pool or fountain cleaning water to be accepted for discharge to the sanitary sewer through an indirect connection

#### **WATER REQUIREMENTS**

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 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

53 The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto Public water facilities shall be modified at final engineering to comply with standards

54 The Owner/Permittee shall demonstrate to the satisfaction of the City, external walls of a STC 46 rating and in addition, floor to ceiling glass walls and doors on the north, south and west perimeters of the meeting room

55 To avoid noise impact to adjacent neighbors and ensure compliance with any applicable Noise Ordinance, the Rancho Bernardo Inn shall

- a Inform all event sponsors of restrictions relating to noise prior to signing an agreement or contract to use the facility,
- b Post noise regulations in public areas of the new meeting room,
- c Cease use of the pool and other outdoor facilities after 10 00 PM, and
- d Install dual pane glass to ensure sounds generated by the facility conform to the San Diego Municipal Code

56 Truck deliveries to the facility and pick up of recycled products shall only occur between the hours of 7 00 AM and 10 00 PM

57 The Owner/Permittee shall provide a detailed construction plan indicating phasing, duration, number and location of temporary facilities, truck volumes and other issues impacting nearby residents and notice all property owners within a 300-foot radius of the property, thirty days prior to initiating construction

58 The Owner/Permittee will provide a mobile speed-monitoring device for checking speed and traffic flow along Bernardo Oaks Drive and Greens East Road to the San Diego Police Department R S V P Program The cost of the speed-monitoring device shall not exceed \$5,000

59 The Owner/Permittee and the Rancho Bernardo Community Planning Board have agreed that additional private conditions on the Applicant shall be implemented through a Letter of Understanding, dated November 10, 2005

**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 \_\_\_\_\_, by  
Resolution No R-\_\_\_\_\_

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

RBI INVESTORS, LP  
a Delaware Limited Partnership  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permt Shell 11-01-04