

(R-2006-666 Cor.Copy 3)

RESOLUTION NUMBER R-301299

DATE OF FINAL PASSAGE MARCH 20, 2006

WHEREAS, Beacon Group, LLC, Owner/Permittee, filed an application with the City of San Diego for a planned development permit/site development permit to construct a 45-unit condominium development within eight detached 3-story buildings on a 1.91 acre site known as the College Grove Condos project, located at 6420 College Grove Drive, and legally described as Lot 3 College Grove Center according to Map No. 3589, in the Central Urbanized Planned District of the Eastern Area neighborhood of the Mid-City Communities Plan area, in the RM-1-1 and RS-1-7 zones which are proposed to be rezoned to the RM-2-5 zone; and

WHEREAS, on January 19, 2006, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 165297/Site Development Permit [SDP] No. 289473, and pursuant to Resolution No. 3937-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on March 20, 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,

WHEREAS, after approval of the above referenced project by the City Council, The Beacon Group, Inc., a California Corporation, Owner, transferred the property to Northwest Development Company, a California Corporation, thereby making Northwest Development Company the new Owner of the College Grove Condos project; and

WHEREAS, after the above referenced transfer of property, Northwest Development Company, a California Corporation, Owner, transferred the property to College Grove, LLC, a Delaware limited liability company, thereby making College Grove, LLC the new Owner of the College Grove Condos project; and

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. 165297/Site Development Permit No. 289473:

A. PLANNED DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The proposed development consisting of forty-five multi-family residential units meets the community plan residential density range and provides for the construction of new market-rate units through the creation of for-sale condominium units that will provide additional home ownership opportunities for the Eastern Area community. The proposed development also promotes pedestrian circulation by providing a non-contiguous sidewalk along College Grove Drive, an internal pedestrian circulation system of enhanced pavement, raised walkways, and direct pedestrian access to several units along the public street and to the on-site passive recreational areas. Therefore, the proposed development would not adversely impact the community plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project is a subdivision and construction of eight buildings containing forty-five condominium units on a 1.91-acre site within the Eastern Area community of the Mid-City Communities Planning area. The project required the preparation of a Mitigated Negative Declaration for potential impacts to biological and paleontological resources and for potential noise impacts. Mitigation measures have been included for potential impacts to these resources, and to address noise issues which would reduce any impacts to a level of below significance. The environmental analysis included the review of Phase I and II Environmental Assessment, a Hydrology Study, Sewer Study, Water Quality Technical Report, Traffic Access and Sight Visibility Assessment, and a Geotechnical Report. Staff analysis of these documents

concluded that the project would not adversely impact any potential environmental resources, therefore no mitigation was required. The permit prepared for this development includes various conditions to achieve project compliance with applicable City of San Diego Municipal Code regulations; and that such conditions have been determined by the decision maker as necessary to avoid adverse impacts upon the health, safety and general welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The project proposes the construction of a 45-unit condominium development which would comply with all of the applicable regulations of the Land Development Code which include zoning requirements, traffic, engineering, water and sewer and the landscape regulations of the RM-2-5 zone. The development is consistent with all of the design criteria and supplemental regulations for residential development, including open space requirements specified in the Planned Development Permit Ordinance. Minor deviations have been incorporated into the project design for encroachments into setback areas for a small segment of the building and for retaining wall height as allowed under the Planned Development Permit [PDP]. Therefore, the project complies with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The project was reviewed for compliance with the underlying zone and the supplemental regulations of the Planned Development Permit which include supplemental design standards and open space requirements. The proposed development will provide for additional housing stock for the community. The site is surrounded by other multi-family and single-family residential developments, as well as a large shopping center and a public park. The project has been designed to provide pedestrian paths and entries to the units that front the street directly from the right-of-way. The project proposes a town house design that provides a transition from the single family neighborhood to the west and to the commercial shopping center to the east. The project proposes a centrally located recreation area with a tot lot, picnic tables and barbecues. This recreation area is located for easy access for all dwellings. The project includes pedestrian paths that connect most units directly to the College Grove Drive, the recreation area, and to the sidewalk that is nearest to the park. The project includes permeable paving and grasscrete at the guest parking spaces and on one driveway. The project provides non-contiguous sidewalks along the project frontage while the rest of the neighborhood includes standard sidewalks. The site is currently vacant and has been used in the past for the dumping of debris and other materials, creating an eyesore at this location. The site will be visually enhanced through the placement of the new buildings and enhanced landscaped areas. The proposed development will be beneficial to the future residents and to the community.

5. Any proposed deviations pursuant to San Diego Municipal Codes/Land Development Code [SDMC/LDC] 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 45-unit development will comply with all applicable requirements of the Land Development Code. The proposed deviations to the front and side yard setbacks of the buildings are minor in scope and will facilitate the development of additional housing stock for the community. The property contains several site constraints that inhibit or reduce the buildable area of the property, including the topography, the shape and configuration of the site, and its location along the

curvature of College Grove Drive. Project implementation requires a 4-foot dedication which further reduces the land area. The minimum required developable land is attained by grading the site and adding the retaining walls. In addition, the proposed design of the development contains building variations on the project frontage facing College Grove Drive as well as extensive landscaping which serves to improve the overall appearance of the project. The specific project deviations are described in the following section:

1. Front Yard Setback - 3'-0" where 15'-0" is the minimum required: The project proposes a 3-foot front yard setback where a 15-foot setback is required. The project proposes six guest parking spaces observing a 3-foot setback, where parking is not allowed in the front setback. Additionally, a small corner of building 3 and building 4 will observe a 6-foot front yard at the closest point. Due to existing topographic constraints, placement of the guest parking spaces in front of the buildings is preferred over placing the parking spaces to the rear of the buildings. If the spaces were located to the rear of the buildings, it may increase the height of the retaining walls at the rear of the site. The buildings are proposed to be located at varying distances from the front property line ranging from 6 feet to 50 feet. The proposed configuration of the buildings allows for large off-setting planes to be incorporated into the site design. The project requires a 4-foot dedication to bring the curb-to-property line up to current standards which further reduces the buildable area.

2. Side Yard Setback – 17'- 6" and 23'-0" where 25'-0" is required: The project proposes a building side yard setback of 17.5 feet and 23 feet where 25 feet is required. The existing lot is irregularly shaped and includes a large unusable panhandle portion that stretches north along College Grove Drive. Generally, the property line opposite the front property line is considered the rear property line and would be subject to a 15-foot rear yard setback. Due to the triangular shape of the lot, the side property lines are almost opposite from the front property line. The proposed setbacks of 17.5 feet and 23 feet are greater than the 15-foot setback that would be required if these yards were rear yards instead of side yards. The project does not propose any development within the unusable panhandle portion but rather proposes to encroach into the side yard setbacks.

3. Retaining Wall Heights: 16'-0" high in the side yard where 6'-0" maximum is permitted; and, 12'-0" high retaining wall within the rear yard where 6'-0" is the maximum permitted. The project requires the construction of a series of combo building/retaining walls. Buildings 1, 2, 5, 6 and 7 would be constructed at the base of the northern and western embankment. Retaining walls have been incorporated into the design of these buildings to allow for encroachment into the ascending slopes. Between these buildings within four areas, a small segment of the retaining walls will reach a maximum height of 16 feet due the topography and site constraints. These walls would be planted with landscape materials and, when the plant material reaches maturity, will have the appearance of continuing the natural slope. The walls will not be visible from the public-right-of-way as they will be screened by the proposed buildings. These walls will also facilitate the construction of a parking area between buildings 2 and 5, and a seating area between buildings 6 and 7, located directly west of the larger recreation area. At the southeast corner of the site, a maximum 7-foot high, terraced retaining wall is proposed.

This area will accommodate a grassy pedestrian walkway connecting the property to College Grove Drive.

The project has been designed to provide pedestrian paths and entries to the units that front the street directly from the right-of-way. The project proposes a town house design that provides a transition from the single-family neighborhood to the west and to the commercial shopping center to the east. The site grading reduces the height appearance of the project from the adjacent single family neighborhood. The project proposes a centrally located recreation area with a tot lot, picnic tables and barbeques. This recreation area is located to allow for easy access from all dwellings. The project includes pedestrian paths that connect most units directly to the College Grove Drive, the recreation area, and to the sidewalk that is nearest to the existing Chollas Community Park. The pedestrian paths include enhanced paving with exposed aggregate banding. The project includes permeable paving and decorative paving at the guest parking spaces. The project provides non-contiguous sidewalks along the project frontage where the majority of the neighborhood provides standard sidewalks.

In summary, the proposed project is consistent with the purpose and intent of the Planned Development Permit ordinance requesting minor deviations to the development regulations and incorporating the design criteria for residential developments. The project will provide several benefits to the City. The project will provide additional housing stock for the community. It will visually enhance the site through the development of new buildings and increased landscaped areas within the site and along College Grove Drive along project frontage. The property is currently vacant and has been used to dump debris and other materials. The project will upgrade the site through the requirement for a street dedication in order to provide a curb-to-property-line distance that meets current standards. The proposed development will implement several goals and recommendations of the community plan as outlined in Planned Development Permit Finding No. 1. Therefore, the proposed deviations 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.

B. SITE DEVELOPMENT PERMIT

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The proposed development will not adversely affect the applicable land use plan as described in Planned Development Permit Finding No. 1.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development will not be detrimental to the public health, safety and welfare as described in Planned Development Permit Finding No. 2.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development will comply with the applicable regulations of the Land Development Code as described in Planned Development Permit Finding No. 3.

2. **Supplemental Findings – Environmentally Sensitive Lands**

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The 1.91-acre project site is located on the west side of College Grove Drive and is currently vacant. The property is completely disturbed, and does not contain any natural steep slopes, nor is it located within the Multiple Habitat Planning Area [MHPA]. The project is surrounded by existing development. The project site contains sensitive vegetation in the form of non-native grasslands, coastal sage scrub and ornamental woodland which would be destroyed in order to accommodate the necessary grading for the proposed development. A Mitigated Negative Declaration was required for the project with mitigation measures to ensure that there would be no significant impacts to these resources, as well as to paleontological resources. As such, the site is physically suitable for the design and siting of the proposed development and will result in minimum disturbance to environmentally sensitive lands.

b. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The property is completely disturbed and has been used for the dumping of debris and other construction materials in the past. As conditioned, the development must comply with all code requirements for grading and for construction. A Water Quality Technical Report and a proposed grading plan were reviewed to ensure that the site will be appropriately graded and Best Management Practices would be in place to ensure accurate site drainage and flow. The development was not subject to brush management requirements. As such, the development will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

c. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project site is located within an urbanized community that is completely developed with residential, commercial and community-serving uses. No environmentally sensitive lands exist adjacent to the site.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The site is not located on or adjacent to the MHPA.

e. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project site is located within the Eastern Area community of the Mid-City Communities Planning area. It is not located on or near a public beach, nor will it contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Project implementation of the proposed 45-unit condominium development would impact biological resources and potentially impact paleontological resources. Additionally, due to the site's proximity to College Grove Drive, a major thoroughfare, the residents of the proposed development may be subject to noise impacts. A Mitigated Negative Declaration has been prepared for the project to address these potential impacts. The development would impact 1.10 acres of non-native grassland habitat, 0.20 acres of coastal sage scrub, and 0.61 acres of ornamental woodland. Impacts to 0.61 acres of ornamental vegetation are not considered significant, therefore no mitigation is required, however; mitigation measures are required for the potential impacts to non-native grasslands and coastal sage scrub. Project implementation requires that the applicant either acquire and dedicate similar biological resources off site or pay into the City's Habitat Acquisition fund to purchase the required acres for the impact or a combination thereof.

With respect to paleontological fossil resource potential, the San Diego Formation is assigned a high sensitivity in all areas where it occurs. Based on the sensitivity of the affected formation and the proposed excavation depths, the project could result in significant impacts to paleontological resources. To reduce this impact to below a level of significance, excavation within previously undisturbed formations at a depth of 10 or more feet and exceeding 1,000 cubic yards of excavation would be monitored by a qualified paleontologist.

Mitigation is required for potential noise impacts due to the proximity of the development to College Grove Drive. An acoustical study identified potential traffic noise impacts to private balconies on the south facade of building 2, the northern and eastern facades of building 3, the eastern facade of building 4, and eastern facade of building 7, and the common outdoor use recreation area. Mitigation measures require a 3.5-foot solid sound attenuation barrier on each of the affected balconies, and a 3-foot tall sound attenuation barrier along the southern edge of the recreation area, tot lot.

Therefore, the nature and extent of mitigation required as conditions of the permit are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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 Planned Development Permit No. 165297/Site Development Permit No. 289473 is granted to College Grove, LLC, a Delaware limited liability

company, 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 Shannon Thomas for
Douglas K. Humphreys
Deputy City Attorney

DKH:pev
02/06/06
04/06/06 Cor.Copy
05/01/06 Cor.Copy 2
05/24/06 Cor.Copy3
Or.Dept:DSD
R-2006-666
MMS #2994

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 42-3674

PLANNED DEVELOPMENT PERMIT NO. 165297
SITE DEVELOPMENT PERMIT NO. 289473
COLLEGE GROVE CONDOS PROJECT NO. 56578 [MMRP]
CITY COUNCIL

This Planned development Permit No. 165297/Site Development Permit No. 289473 is granted by the City Council of the City of San Diego to College Grove, LLC, a Delaware limited liability corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0601. The 1.91-acre site is located at 6420 College Grove Drive in the RS-1-7 and RM-1-1 zones (proposed RM-2-5 zone) of the Central Urbanized Planned District of the Eastern Area Neighborhood of the Mid-City Communities Plan Area. The project site is legally described as Lot 3 College Grove Center according to Map No. 3589.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 45-unit condominium development, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 20, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of a 45-unit condominium development consisting of eight, 3-story buildings ranging from 2-units to 11-units per building, each unit 1,117 square feet in size;
- b. Deviations proposed :
 1. Front Yard Setback – 3'-0" where 15'-0" and 20'-0" is the minimum required.
 2. Side Yard Setback – 17'-6" and 23'-0" where 25'-0" is required.
 3. Retaining Wall Height in the north and west side yards: The height of the retaining wall varies from 7'-0" to 16'-0.;

- 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.

10. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

12. As conditions of Planned Development Permit No. 165297/Site Development Permit No. 289473, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration LDR No. 56578 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, LDR No. 56578 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 the following issue areas:

Biological and Paleontological Resources
Noise

14. 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.

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

16. The Planned Development Permit/Site Development Permit shall comply with the conditions of the final map College Grove Vesting Tentative Map No. 172907.

17. The subdivider shall dedicate an additional 4 feet on College Grove Avenue to provide a 10 foot curb to property line distance. The subdivider shall also grant a 5-foot wide general utility easement [GUE] adjacent to the new right-of-way line and obtain an Encroachment Maintenance Removal Agreement for the walls, slope and private facilities within the 5-foot GUE.

18. The subdivider shall construct a new 5-foot wide non-contiguous sidewalk, adjacent to the site on College Grove Avenue. The subdivider shall maintain the existing sidewalk scoring pattern, provide appropriate offsite transitions and preserve any contractor's stamp.

TRANSPORTATION REQUIREMENTS:

19. Prior to issuance of any building permit, the applicant shall assure by permit and bond that the existing raised median on College Grove Drive along the project frontage shall be modified to provide an approximately 90 foot long eastbound left turn lane with 90 foot long transition and a pork chop median to allow eastbound left turn into the project main entrance while maintaining the westbound left turn movements to the existing driveway across the street, satisfactory to the City Engineer.

20. The applicant shall grant a corner sight visibility easement for the right turns out of the project main driveway on College Grove Drive as shown on the Tentative Map, satisfactory to the City Engineer. Trees, slopes, landscape or any other object that may block the visibility, shall not be placed and will not be allowed within the easement area.

21. 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. This may

require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

LANDSCAPE REQUIREMENTS:

22. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with Exhibit "A."

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

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

25. 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 40 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.

26. 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.

27. 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.

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

29. 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.

PERMIT PLANNING REQUIREMENTS:

30. No fewer than ninety off-street parking spaces (ninety-eight provided) 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. The applicant shall post a copy of the approved discretionary permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.

37. 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.

38. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall

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

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

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

41. 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.

42. 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.

43. 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:

44. 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.

45. Prior to the issuance of any engineering permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities installed in or over a public easement or right of way.

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

47. 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:

48. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of an onsite 12-inch in diameter looped public water systems, in a manner satisfactory to the Water Department Director and the City Engineer.

49. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, 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 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.

51. Prior to the issuance of any building permits, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the city Engineer.

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.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on MAR 20 2006
by Resolution No. R- 301299 ..

R. 301299

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

COLLEGE GROVE LLC,
a Delaware Limited Liability Company
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04

MAY 20 2006

Passed by the Council of The City of San Diego on _____, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

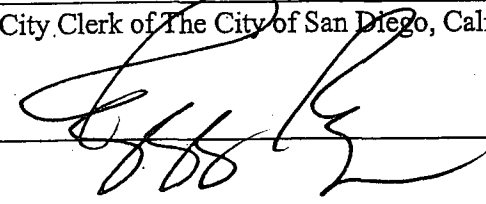
Date of final passage **MAY 20 2006**

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-301299