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9/17/07

RESOLUTION NUMBER R- 302998

DATE OF FINAL PASSAGE SEP 17 2007

A RESOLUTION APPROVING PLANNED DEVELOPMENT PERMIT NO. 10761, SITE DEVELOPMENT PERMIT NO. 372422, AND PUBLIC RIGHT-OF-WAY PERMIT NO. 464724 FOR MONTE VERDE PROJECT NO. 6563.

WHEREAS, Costa Verde Hotel, LLC, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit [PDP] No. 10761, Site Development Permit [SDP] No. 372422, and Public Right of Way Permit [PROW] No. 464724 known as the Monte Verde Project [Project], to construct a 23-story building, two 22-story buildings, and a 21-story building for a total of 560 condominium units on a 4.77 acre site with improvements in the public right-of-way and site landscaping located at 8995 Costa Verde Boulevard, and legally described as Lot 12, Costa Verde, according to Map No. 12045, filed April 18, 1988 and as corrected by a certificate of correction recorded July 23, 1993 as document 93-470224 of official records, in the Costa Verde Specific Plan area, in the University Community Plan area, in the RS-1-14, Parking Impact Overlay, Community Plan Implementation Overlay "A" Zones; and

WHEREAS, on March 15, 2007, the Planning Commission of the City of San Diego considered PDP No. 10761, SDP No. 372422, and PROW Permit No. 464724 and pursuant to Resolution No. 4245-PC voted to recommend to the City Council to accept the project's Final Environmental Impact Report No. 6563, Reduced Project Alternative: 21-Story, of which the maximum building would be 21-stories and the maximum number of units would be 408; and

WHEREAS, the matter was set for public hearing on September 17, 2007, 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 PDP Permit No. 10761, SDP Permit No. 372422, and Public ROW Permit No. 464724:

**Planned Development Permit - Section 126.0604**

**A. Findings for all Planned Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The Project, with the approval of the plan amendments to the University Community Plan and Costa Verde Specific Plan, will not adversely affect the land use and density designations for the site. With the approval of these amendments, the Project would be consistent with the applicable land use plans. The conversion from hotel to residential use would not represent an adverse impact as the demand for hotel uses will be adequately accommodated elsewhere in the community. The Project will help satisfy a variety of goals of the applicable land use plans. The Project will increase the supply of housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the property would not conflict with goals relating to topography because the Project site is flat. The Project site is outside Accident Potential Zones 1 and 2 of the Miramar Airport Influence Area.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development includes significant improvements within the public right-of-way in the University Community. The proposed development will construct necessary sewer and water facilities to serve the occupants of the development; will incorporate construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity, will construct a pedestrian bridge across La Jolla Village Drive, and extend wastewater improvements to Rose Canyon. All structures constructed will be reviewed by professional staff for compliance with

all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. The Project site is outside Accident Potential Zones 1 and 2 of the Miramar Airport Influence Area. Further, the construction will be monitored and inspected in the field by certified inspectors. 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 all applicable regulations of the Land Development Code and the Costa Verde Specific Plan. No variances or deviations are required to approve this PDP. Specific conditions of approval require the continued compliance with all applicable regulations of the City of San Diego effective for this site and have been written as such into PDP No. 10761 and SDP No. 372422. Development of the property will meet all requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All applicable regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The Project will provide several significant features, amenities and improvements in the community. The construction of a pedestrian bridge over La Jolla Village Drive will provide safe pedestrian access to surrounding commercial/retail areas and encouraging individuals to walk to locations nearby. The Project will also enhance an existing pedestrian bridge over Genesee Avenue. Both bridges will provide ramps and/or an elevator, which will benefit disabled and elderly individuals and encourage others to walk to locations nearby. Both pedestrian bridges will reduce traffic and congestion and encourage a sense of community.

The Project will provide 560 additional housing units in a community which currently has a very low vacancy rate. As the community is almost completely developed, this Project will not cause the construction of more housing than is needed or shift growth from other areas to this one. The City currently has a very limited supply of land designated and zoned for multi-family housing. Increasing the housing supply will be particularly beneficial in the University/Golden Triangle area because of the large and expanding employment base in the area. The proposal will help to alleviate the shortage of multi-family housing opportunities. Housing near the many employment sites will aid in reducing automobile congestion, particularly during peak travel hours.

The Project will also create public areas within the property to promote pedestrian activity. A landscaped courtyard located at the end of the La Jolla Village Drive pedestrian bridge will provide an urban amenity for individuals as well as a gallery space linking La Jolla Village Drive to the central courtyard. The gallery would provide additional space for artwork and will be designed to achieve natural lighting, create a gathering place for the community and a place of local artistic interest. Finally, the developer will assure construction of a fire station to serve the entire

community. This will help reduce response times and improve fire services in the community.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** No specific deviations are being proposed for this PDP. This PDP is processed as required by the Specific Plan. Being determined that the PDP will not require any deviations or variances and will be compliant with the requirements of the Costa Verde Specific Plan and Land Development Code, the Project conforms to the policies and regulations of the City of San Diego and represents a desirable project for the site and the community.

**Site Development Permit - Section 126.0504**

**A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The Project will not adversely affect the University Community Plan and Costa Verde Specific Plan and has been determined to be in conformance with the policies of the plan. See Finding A.1 of the PDP Findings above.

**2. 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. See Finding A.2 of the PDP Findings above.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the University Community plan and Costa Verde Specific Plan and the Land Development Code. See Finding A.3 of the PDP Findings above.

**B. Supplemental Findings--Environmentally Sensitive Lands**

**1. 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 proposed residential development will require the sewer pipeline replacement of the existing 10-inch and 12-inch diameter pipeline along Genesee Avenue and south to Rose Canyon with a new 18-inch diameter pipeline to provide adequate capacity for the development. The line will be underground. Where the line will not be under an already-developed area, it will be within other existing easements. Intrusion near and into environmentally sensitive lands will be minimized by reducing the access pathway and by utilizing construction techniques that minimize the area being used. These construction techniques include locating staging and storage areas outside drainage areas; storing excavated soils outside of all drainage areas; re-compacting the trench to pre-construction or greater compaction density and revegetation of disturbed areas; conducting no equipment

maintenance near riparian areas; removing spoil, trash, and debris off-site to an approved disposal facility; either conducting work outside the raptor breeding season or having a qualified biologist inspect the trees for nests prior to construction; and obtaining all other necessary state and federal permits. This is an appropriate location for the sewer line because it takes advantage of gravity flow.

**2. 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.** As to the sewer pipeline element of the development, there is already a sewer line present in the same location for much of the length of line proposed, and some of the length currently in an undeveloped area will be replaced with line in Genesee Avenue. The line will be underground. Where the line will not be under an already-developed area, it will be within other existing easements. Intrusion near and into environmentally sensitive lands will be minimized by reducing the access pathway and by utilizing construction techniques that minimize the area being used. These construction techniques include locating staging and storage areas outside drainage areas; storing excavated soils outside of all drainage areas; re-compacting the trench to pre-construction or greater compaction density and revegetation of disturbed areas; conducting no equipment maintenance near riparian areas; and obtaining all other necessary state and federal permits.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** As to the sewer pipeline element of the development that necessitates this Site Development Permit for impacts to environmentally sensitive lands, intrusion near and into environmentally sensitive lands will be minimized by reducing the access pathway and construction techniques that minimize the area being used. Construction techniques include locating staging/storage areas outside drainages; storing excavated soils outside of all drainages; re-compacting the trench to pre-construction or greater compaction density and revegetation of disturbed areas; conducting no equipment maintenance near riparian areas; removing spoil, trash, and any debris off-site to an approved disposal facility; either conducting work outside the raptor breeding season or having a qualified biologist inspect the trees for nests prior to construction; and obtaining all other necessary state and federal permits.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** As to the sewer pipeline element of the development that necessitates this Site Development Permit for impacts to environmentally sensitive lands, there is Diegan coastal sage scrub (Tier II), native grassland (Tier I), and non-native grassland (Tier IIIB). Part of the off-site sewer improvements falls within the Other Urban Habitat Areas at portions of the MHPA. Policy #1 of the City's General Planning Policies and Design Guidelines, Roads and Utilities, requires minimization of intrusion into the MHPA; Policy #3 prohibits temporary construction areas and roads, staging areas, and permanent access roads from disturbing habitat unless unavoidable; and Policy #4 requires that activities in wildlife corridors avoid significant disruption of corridor usage. The

sewer project will comply with these policies by providing mitigation at or above the levels required by the MSCP; by minimizing intrusion through maintaining a narrow access corridor; and by construction controls including placing staging and storage areas outside the sensitive area. A permanent 8-foot wide path is proposed to ensure maintenance access to the manholes in Rose Canyon, but there will be no additional permanent above-ground facilities.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** As to the sewer pipeline element of the development that necessitates this SDP for impacts to environmentally sensitive lands, the sewer improvements will not contribute to erosion of public beaches or adversely impact local shoreline sand supply because a minimal amount of dirt will be displaced; the access pathway will be minimized; construction techniques, such as locating staging/storage areas outside drainages, storing excavated soils outside of all drainages, re-compacting the trench to pre-construction or greater compaction density, and re-vegetation will eliminate the erosion of soil and avoid any changes to sand movement.

**6. 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.** As to the Project, no particular mitigation is being required as a condition of this permit; mitigation of impacts is required as part of the CEQA process, and the EIR has identified that mitigation as being necessary to mitigate the Project's impacts. As to the sewer pipeline element of the development that necessitates this SDP for impacts to environmentally sensitive lands, mitigation includes the provision of replacement sensitive habitat at the ratios required by the MSCP. Mitigation also includes construction limitations, such as the narrowing of pathways and storage of equipment off-site, that have been strictly limited to what is necessary to minimize impacts. Without replacement mitigation pursuant to the MSCP, the sewer project would have an unmitigated impact on sensitive habitat; without the construction limitations, the sewer project could result in the entry of construction equipment and personnel into areas where greater harm could occur.

### C. Supplemental Findings--Environmentally Sensitive Lands Deviations

**1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.** The alignment of the proposed wastewater line is designed to avoid the creation of impacts to sensitive lands to the greatest extent possible and still replace the existing pipe with the necessary improvement. Several design studies were prepared during the design phase of the project to evaluate if the possibility existed for an alignment which would create fewer impacts to sensitive resources and the currently proposed design was determined to create the least impact. The existing wastewater line is required to be improved and resized to provide wastewater service to the community.

**2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.**

The impacts to the sensitive resources as a result of constructing a new larger wastewater line have been determined through several design studies to be the minimum necessary to accommodate the wastewater line and to create the least amount of impact to the sensitive resources. The applicant has not taken any actions that would result in these impacts and has taken all appropriate steps to assure the deviation is the minimum necessary to construct the wastewater line.

**D. Supplemental Findings--Public Right-of-Way Encroachments**

**1. The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant written permission to maintain the encroachment on their property.**

The proposed encroachment would allow the placement of a pedestrian bridge pursuant to the Costa Verde Specific Plan. The bridge will both aid public travel and benefit a public purpose by allowing and encouraging free pedestrian movement in the most urban portion of the community, not only across La Jolla Village Drive but throughout the core area by linking with other existing bridges. This pedestrian movement is itself valuable. In addition, it will allow people access to local employment and services without having to drive, thus helping reduce traffic on local streets. Each of these functions also satisfies various goals of the University Community Plan, such as encouraging accessibility and providing for pedestrian needs.

**2. The proposed encroachment does not interfere with the free and unobstructed use of the public right-of-way for public travel.** The proposed encroachment will be a pedestrian bridge built above the street (La Jolla Village Drive). It will be built high enough above the street not to interfere with vehicular travel. Similarly, its landings will be outside the roadway so as not to interfere with vehicular travel. Sufficient space will be provided for the landings so as not to interfere with use of the sidewalks; indeed, by providing a pedestrian travel path, the bridge will assist pedestrian travel.

**3. The proposed encroachment will not adversely affect the aesthetic character of the community.** The proposed encroachment will be a pedestrian bridge called for by the Costa Verde Specific Plan. The bridge will complete a set of four bridges surrounding the core intersection of Genesee Avenue and La Jolla Village Drive. The bridge has been designed to integrate visually with the other three bridges and with the surrounding buildings. The bridge will be a cable-stay bridge that is itself attractive and will help create an entry statement into the core of the community.

**4. The proposed encroachment does not violate any other Municipal Code provisions or other local, state, or federal law.** The proposed encroachment will not violate any law. The pedestrian bridge will comply with all uniform building code requirements. The bridge and its access will comply with all accessibility

requirements, including providing an elevator for access. The bridge will be high enough above the street (La Jolla Village Drive) so as not to interfere with vehicular travel. Because the area has already been developed with a street and sidewalks, the encroachment will not harm any endangered species or habitat.

**5. For coastal development in the coastal overlay zone, the encroachment is consistent with Section 132.0403 (Supplemental Use Regulations of the Coastal Overlay Zone).** The proposed encroachment is outside the Coastal Overlay Zone, so this finding is not applicable.

**F. Supplemental Finding--Important Archaeological Sites and Traditional Cultural Properties**

**1. The site is physically suitable for the design and siting of the proposed development, the development will result in minimum disturbance to historical resources, and measures to fully mitigate for any disturbance have been provided by the applicant.** The location of the proposed sewer line replacement project is determined by the location of the existing Rose Canyon Interceptor (Interceptor) and the existing sewer which is being replaced as a part of the Project. The current 10-inch diameter pipeline needs to be replaced with an 18-inch diameter pipeline because it will soon exceed the design capacity of a 10-inch pipeline. Replacing the sewer line along its present alignment would not comply with City policy to locate sewer lines outside of drainage courses. The current pipeline runs down a tributary drainage course leading to Rose Canyon. Majority of the replacement sewer pipeline will be within the Genesee Avenue. However, as the alignment approaches the Genesee Avenue bridge, it must leave the road to connect with the Rose Canyon Interceptor

Although extending the sewer line to the Interceptor on the east side of the tributary drainage course near the Genesee Avenue bridge would reduce potential impacts on the known archaeological site (SDI-12556), several engineering considerations preclude this alternate alignment. As background information, it should be noted that a second 10-inch sewer line (hereinafter referred to as the east/west line) connects on the north side of the tracks with the 10-inch sewer line to be replaced (hereinafter referred to as the north/south line). There the flow from the east/west line travels through the existing north/south line to the Interceptor.

Because of the east/west sewer line, locating the proposed 18-inch north/south sewer line east of the drainage course is problematic because the sewage from this east/west sewer line would have to either be extended further east to connect with the easterly location for the new north/south line or, continue to flow down the segment of the existing north/south 10" line beneath the railroad tracks. The first option is infeasible because the new north/south sewer line would have to be constructed 40-50 feet below the proposed grade to allow the flow from the east/west line to flow by gravity



to the new north/south line. This depth of construction is not feasible because it would represent a servicing hazard due to the deep manhole access that would result.

The second option is also infeasible. This option would require retaining the portion of the north/south sewer line which extends beneath the tracks along with the connection point to the Interceptor to allow the flow from the east/west to continue to reach the Interceptor. Retention of the existing line beneath the tracks would not achieve the overall City goal of removing sewer lines from drainages. In addition, this option would result in two parallel facilities in the area consisting of the portion of the existing, north/south 10-inch line and the proposed north/south 18-inch located east of the drainage.

The proposed sewer replacement would result in minimal impacts to the known extent of SDI-12556. The disturbance would be limited to an area covering less than 200 square feet which represents the minimal trench width needed to install the line from the railroad tracks to the Interceptor. In order to minimize potential impacts on SDI-12556, should it extend beneath the railroad tracks, the new north/south sewer line would be installed beneath the railroad tracks using a jack and bore technique. This technique would place the line at least 15 feet below the surface which would minimize impacts to SDI-12556, in the event the site extends northerly beneath the railroad tracks, because previous testing of the site determined that subsurface deposits do not extend below a depth of 3 feet beneath the surface.

In addition to minimizing the disturbance of SDI-12556, the applicant will be required to conduct an Archaeological Research Design and Data Recovery Program which will include sampling up to 15 percent of the area to be impacted. In addition, an archaeologist will be required to monitor all grading and earthmoving activities during construction for the offsite sewer improvement within the vicinity of CA-SDI-12556. Analysis of artifacts and ecofacts recovered during monitoring will be included in a final report submitted to the City.

**2. All feasible measures to protect and preserve the special character or the special historical, architectural, archaeological, or cultural value of the resource has been provided by the applicant.** SDI-12556 is a prehistoric, small seasonal camp consisting of buried midden containing artifacts consisting of manos, stone tools, cores, debitage and pottery. Previous testing of the site has resulted in the collection of surface artifacts. As a result, the value of the site is related to the potential for subsurface artifacts to contribute to the overall knowledge of prehistoric cultures.

As indicated in SDP Finding F.1., the new sewer line would have minimal impact on the subsurface artifacts. Where impacts cannot be avoided, an extensive mitigation and monitoring program will be implemented. This mitigation program will assure that any resources impacted by construction would be properly evaluated before disturbance occurs. As the site lies within the open space portion of Rose Canyon, the value of the site would be preserved after the sewer line installation has been


completed. The Project's prepared permit conditions and mitigation requirements identified in EIR No. 6563 will minimize impacts to SDI-12556 and therefore, all feasible measure have been provided to protect and preserve the site.

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 PDP No. 10761, SDP No. 372422, and PROW Permit No. 464724 is granted to Costa Verde Hotel, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED:


By:

  
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Mike Westlake  
Program Manager

MW:tpd  
Or.Dept:DSD  
R-2007-1311  
MMS#5046

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
Felix M. Tinkov, Esq.  
LOUNSBERY FERGUSON ALTONA & PEAK, LLP  
Special Counsel to the City of San Diego

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
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: 42-0908

PLANNED DEVELOPMENT PERMIT NO. 10761  
SITE DEVELOPMENT PERMIT NO. 372422  
PUBLIC RIGHT OF WAY PERMIT NO. 464724  
**MONTE VERDE [MMRP]**  
CITY COUNCIL

This Planned Development Permit [PDP] No. 10761, Site Development Permit [SDP] No. 372422, and Public Right of Way [PROW] Permit No. 464724 is granted by the City Council of the City of San Diego to COSTA VERDE HOTEL, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0601 and 126.0501. The 4.77 acre site is located at 8995 Costa Verde Boulevard in the RS-1-14, Parking Impact Overlay, and Community Plan Implementation Overlay "A" Zones within the within the Costa Verde Specific Plan Area and University Community Plan Area. The project site is legally described as Lot 12, Costa Verde, according to Map No. 12045, filed April 18, 1988 and as corrected by a certificate of correction recorded July 23, 1993 as document 93-470224 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct one 23-story building, two 22-story buildings, and one 21-story building for a total of 560 condominium units on a 4.77 acre site with improvements in the public right-of-way, site landscaping, described and identified by size, dimension, quantity, type, and location on the approved Exhibits "A", dated September 17, 2007, on file in the Development Services Department [Project].

The Project shall include the following buildings as shown in the below table:

- a. One 23-story building, two 22-story buildings, and one 21-story building;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Pedestrian Bridge structure across La Jolla Village Drive, west of Genesee Avenue, connecting the Monte Verde development to the north side of La Jolla Village Drive's pedestrian walkway, a public right of way;
- d. 1,312 required off-street parking spaces, including a minimum of 38 accessible spaces, 270 bicycle spaces, and 58 motorcycle spaces; and
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this Project 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, the Costa Verde Specific Plan, dated September 13, 2007, 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 Development Services Department.
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 Owner/Permittee 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 Development Services Department for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. Minor changes, modifications and alterations shall be made to this Permit via a Process Two – Substantial Conformance Review.

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. At all bus stops within the Project area, if any, the Owner/Permittee shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

**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 PDP No. 10761, University Community Plan Amendment No. 10763, SDP No. 372422, PROW Permit No. 464724, Easement Vacation No. 372423 and PROW Vacation No. 372426, the mitigation measures specified in the MMRP, and outlined in Environmental Impact Report No. 6563 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report No. 6563 shall be satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first building 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:

- Transportation/Traffic Circulation
- Visual Effects/Neighborhood Character
- Public Facilities
- Paleontological Resources
- Noise
- Biological Resources
- Historical Resources

14. Prior to issuance of any building permit, the Owner/Permittee 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.

15. The Owner/Permittee shall comply with the current California Integrated Solid Waste Management Act's law in effect at the time of issuing any construction permit, regarding the diversion of a stipulated percentage of the Project's construction and/or demolition solid waste from landfill disposal through source reduction.

16. Prior to the issuance of a grading permit for any of the four residential towers, the Owner/Permittee shall receive approval from the Development Services Department and the City Engineer that a Waste Management Plan has been prepared for the Project with a minimum of 50% diversion, or such greater percentage of diversion as mandated by the State, approved by the Environmental Services Department and implemented for the Project.

17. Prior to the issuance of the grading for any of the four residential towers, the Owner/Permittee shall submit evidence to the Development Services Department and the City Engineer that the final demolition/construction report has been approved by the Mitigation Monitoring Coordination and Environmental Services Departments. This report shall summarize the results of implementing the above waste management plan elements, including, and not limited to, (1) the actual waste generated and diverted from the Project, (2) the waste reduction percentage, and (3) how that goal was achieved.

**AFFORDABLE HOUSING REQUIREMENTS:**

18. Prior to recordation of the Final Map, the Owner/Permittee 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) by entering into an agreement with the San Diego Housing Commission to assure that a minimum of fifty-six (56) affordable units are provided with the Project, or within the Owner/Permittee's portfolio of properties located within

Central Subarea 2 of the University Community Planning Area, and such affordable units are occupied by eligible households.

**FIRE DEPARTMENT REQUIREMENTS:**

19. Prior to issuance of a grading permit for any of the four residential towers, the Owner/Permittee shall provide security to the City assuring the design and construction of a new City fire station in the University community. The security shall be in the form acceptable to the Development Services Department. If the City has not prepared a formal cost estimate for the construction of the new station before the Owner/Permittee applies for a grading permit, the security shall be on an assumed total cost of \$8.0 million.

20. The Owner/Permittee shall construct the fire station for the City. The Owner/Permittee shall enter into a reimbursement agreement with the City of San Diego which will identify that the Permittee shall be entitled to reimbursement from the North University City Facilities Benefit Assessment program (or other appropriate mechanism), in cash and/or credit, for 100 percent of the cost of the fire station facility. This agreement shall include the following milestones: (1) Within 30 days following the City's selection and environmental certification of a designated site location, the Owner/Permittee will commence with the design phase for the fire station facility; and (2) The Owner/Permittee will commence with the construction of the fire station, or otherwise assure construction to the satisfaction of the Development Services Department, no later than twelve months after the start of the design phase or prior to the issuance of a construction permit for the fourth residential tower, excluding a permit to construct a foundation for the parking garage for the fourth tower, whichever occurs first.

**ENGINEERING REQUIREMENTS:**

21. The drainage system for this Project shall be private and will be subject to approval by the City Engineer.

22. 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.

23. The Owner/Permittee shall enter into a Hold Harmless Agreement with the City for the public drainage system in the private property.

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

25. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1, Grading Regulations of the Municipal Code, into the construction plans or specifications.

26. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

27. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

28. 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.

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.

29. This Project proposes to export 470,000 cubic yards of material from the Project site. All export material shall be discharged into a legal disposal site. The approval of this Project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

30. Prior to issuance of any construction permits for the La Jolla Village Drive pedestrian bridge, the Owner/Permittee shall obtain a Encroachment, Maintenance and Removal Permit, satisfactory to the City Engineer.

31. The Owner/Permittee shall remove the existing sidewalk and construct a minimum 5-foot wide or greater, non-contiguous sidewalk, along the Project frontage on La Jolla Village Drive and Genesee Avenue, per Standard Drawings G-7 and G-9.

32. Prior to the issuance of any permits, the Owner/Permittee shall dedicate 3.5 feet to provide a minimum 5 feet non contiguous sidewalk along La Jolla Village Drive and Genesee. The face of curb to property line shall be 13.5 feet.

33. The Owner/Permittee shall provide accommodations for non-motorized vehicles in the design of the pedestrian bridge and elevator(s).

34. The Permit shall comply with the conditions of Vesting Tentative Map No. 372429.



**LANDSCAPE REQUIREMENTS:**

35. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

36. 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 the Exhibit "A."

37. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department 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.

38. Prior to issuance of any construction permits for buildings, including any shell structure, complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A" Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

39. 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.

40. Prior to issuance of any construction permit for parking structures, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

41. 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 Development Services Department within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

42. Prior to Certificate of Occupancy for any building, it shall be the responsibility of the Owner/Permittee to install all required landscaping associated with that building phase. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

**PLANNING/DESIGN REQUIREMENTS:**

43. A minimum of 1,312 off-street parking spaces (including a minimum of 38 accessible spaces), 270 bicycle spaces, and 58 motorcycle spaces shall be permanently maintained on the property within the approximate location shown on the Project's Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose.

44. 139 parking spaces of the 1,312 on-site parking spaces shall be reserved, signed, and accessible to the property currently used by Trophy's restaurant located south of the Project. This condition refines an existing recorded agreement between the Owner/Permittee and the Trophy's restaurant owner (Easement Agreement for Parking, Doc. #90 537240). Prior to issuance of the foundation permit for Tower D, Owner/Permittee shall provide plans that show separate access and accommodations for the 139 Trophy's parking spaces satisfactory to the City Engineer.

45. There shall be compliance with the regulations of the Costa Verde Specific Plan, dated September 13, 2007, which shall constitute the zoning for the Project. No deviations or variances are approved or granted as a condition of approval of this Permit. Where a condition, including exhibits, of this Permit establishes a provision which is more restrictive than the corresponding regulation of the Costa Verde Specific Plan, dated September 13, 2007, then such condition shall prevail.

46. 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 Costa Verde Specific Plan, dated September 13, 2007, whichever is lower. No deviations or variances are approved or granted as a condition of approval of this Permit.

47. 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.

48. 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.

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

- a. Approved Project sign plan (Exhibit "A," on file in the Development Services Department); or
- b. Citywide sign regulations

50. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer

51. Prior to the issuance of any building permits (exclusive of a building permit to construct a foundation for the parking garage for the first and second towers), 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.

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 require additional fees as determined by the Development Services Department.

52. 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.

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

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

55. 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.

56. 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.

57. 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 Development Services Department and the City Engineer. 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," on file in the Development Services Department.

58. The Owner/Permittee shall incorporate recycling measures alongside all refuse disposal locations, including drop chute areas.

59. The Owner/Permittee shall provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing for office, residential and hotel tenants/guests.

60. No more than four pushcarts shall be allowed in the areas identified as "Civic Green" and "Pocket Park" on Lots 2 and 3 of the approved Exhibit "A," pursuant to SDMC §141.0619(a). The hours of operation for pushcarts shall occur only between the hours of 6:00 am and 12:00 midnight.

61. The pedestrian and non-motorized vehicle easement shown on the approved Exhibit "A" shall be free of all obstructions and maintained at all times. Obstructions shall include, but not be limited to, telephone booths, newspaper stands, pushcarts, trash receptacles, benches, trees, and other similar objects.

62. All building materials shall be consistent with those described and shown herein on Exhibit "A," on file in the Development Services Department.

63. The Owner/Permittee shall pay the Project's fair share contribution for the proposed University City High School Field Renovation Project upon approval of the Project into the North University City Facilities Benefit Assessment program. The Owner/Permittee shall not oppose its inclusion in the North University City Facilities Benefit Assessment program.

#### **TRANSPORTATION REQUIREMENTS:**

64. Prior to the issuance of the first building permit, exclusive of a building permit to construct a foundation for the parking garage for the first and second towers, the Owner/Permittee shall assure, by permit and bond, construction of a pedestrian bridge from Costa Verde to the north side of La Jolla Village Drive as stated in the Costa Verde Specific Plan Final EIR, and as shown on Exhibit "A," satisfactory to the City Engineer. If the City of San Diego has acquired the necessary land before a vertical building permit for each tower is issued, the bridge shall be constructed and accepted by the City prior to the occupancy of any unit within that tower. If the City of San Diego chooses to purchase at fair market value or condemn the necessary interest,

the Owner/Permittee shall pay all reasonable costs of the acquisition or of the condemnation. To the extent that construction of the pedestrian bridge will benefit other projects, the Owner/Permittee shall be entitled to, but not necessarily obligated to, seek reimbursement by any appropriate mechanism.

65. The Owner/Permittee shall provide one 16-passenger bus operating five days a week with half-hour frequency to provide free service to UCSD, Scripps Hospital, Sorrento Valley Transit station, and other destinations within the community, similar to the SANDAG proposed Superloop route, in perpetuity.

66. Prior to the issuance of the first building permit, exclusive of a building permit to construct a foundation for the parking garage for the first and second towers, the Owner/Permittee shall assure, by permit and bond, construction of all intersection improvements identified in Table 5.2-19 of the Monte Verde Final EIR, dated Dec. 22, 2006. To the extent that the mitigation requirements will benefit other projects, the Owner/Permittee shall be entitled to, but not necessarily obligated to, seek reimbursement by applying for a Cost Reimbursement District, Municipal Code 142.0680, or other appropriate mechanism.

67. Prior to the issuance of the first building permit, exclusive of a building permit to construct a foundation for the parking garage for the first and second towers, the Owner/Permittee shall assure, by permit and bond, construction or fair-share payment for improvements to mitigate freeway ramp meter impacts identified in Table 5.2-19 of the Monte Verde Final EIR, as modified by the Additional Information Statement, dated May 24, 2007.

68. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, widening of Private Drive "A" to 46 feet of pavement, to be striped as a two lane road with a two-way-left-turn-lane between Costa Verde Boulevard and the Project's southerly property line with transition to two lanes from Project's southerly property line to Esplanade Court, satisfactory to the City Engineer.

69. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, restriping of the northbound approach on Costa Verde Boulevard at Private Drive "A" to provide one exclusive right turn lane and one exclusive through lane, satisfactory to the City Engineer.

70. All conditions/mitigations listed in the approved traffic analysis for the Project must be addressed satisfactory to the City Engineer.

71. The Owner/Permittee 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 the installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor, and/or upgrading wattage.

72. Prior to the issuance of the first building permit, exclusive of a building permit to construct a foundation for the parking garage for the first and second towers, the Owner/Permittee shall, at its option, either (a) contribute \$554,000.00 (which includes a 35% contingency and a 10% escalation) into the appropriate Super Loop Transnet Fund for station construction at Judicial and Golden Haven, or (b) permit, bond and construct the station in a manner satisfactory to the City Engineer.

73. The Owner/Permittee shall participate in and not oppose the formation of a special assessment district, or other financing mechanism, for the construction of Super Loop bus transit stations and/or ongoing operation for the Super Loop Transit Project operated by SANDAG and MTS.

#### **WASTEWATER REQUIREMENTS:**

74. Prior to the issuance of any occupancy, the Owner/Permittee shall have completed the construction of all of the off-site public sewer facilities necessary to serve this development per the approved improvement drawings, and shall show evidence that they are operational.

75. The Owner/Permittee shall design all proposed public sewer facilities, and prepare necessary improvement drawings, according to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be re designed.

76. Prior to the approval of any building and/or public improvement permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot or unit will have its own sewer lateral or provide CC&R's for the operation and maintenance of all on site private sewer facilities that serve more than one lot (or unit).

77. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

78. All 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.

79. To the extent that the above sewer improvements benefit other projects, the Owner/Permittee shall be entitled to, but not necessarily obligated to, seek reimbursement by way of entering into a Reimbursement Agreement with the City or by applying for a Cost Reimbursement District, consistent with either Council Policy 400-07 or Municipal Code 142.0680, or other appropriate mechanism.

80. Prior to the issuance of any public permit, exclusive of a building permit to construct a foundation for the parking garage for the tower "A" and tower "B," the Owner/Permittee shall

assure, by permit and bond, the design and construction of all off-site public sewer facilities that are necessary to serve this development, pursuant to the accepted sewer study.

**WATER REQUIREMENTS:**

81. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of private back flow prevention device(s) on all existing or proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Water Department Director and the City Engineer. All backflow prevention devices shall be located above grade and outside of any private structures.

82. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Fire hydrants shall be located a minimum of five feet from any structures above, at, or below grade. Fire hydrants installed on private property shall be private.

83. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new public water facilities, into acceptable alignments and right-of-way, in the event any public water facility adjacent to the Project site loses integrity due to the construction and grading activities associated with this development, in a manner satisfactory to the Water Department Director and the City Engineer.

84. Prior to the issuance of any certificates of occupancy, the public water facilities, including domestic, fire and irrigation services and meters necessary to serve this development, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

85. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and easements, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

86. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A", will require modification based on standards at final engineering.

87. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of two parallel 12-inch water facilities in Costa Verde Boulevard, in a manner satisfactory to the Water Department Director and the City Engineer.

88. Prior to the issuance of the first building permit, exclusive of a building permit to construct a foundation for the parking garage for the first and second tower, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal

of all existing water services adjacent to the Project site, in a manner satisfactory to the Water Department Director and the City Engineer.

89. The Owner/Permittee shall utilize any reclaimed water sources, when available to the Project, for irrigation on the Project site, in a manner satisfactory to the Water Department Director and the City Engineer.

### **GEOLOGY REQUIREMENTS**

90. Prior to issuance of building permits additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations shall be subject to approval by Building Development Review.

### **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.
- This development may be subject to impact fees at the time of building/engineering permit issuance

APPROVED by the Council of the City of San Diego on September 17, 2007, Resolution No. R-302998.



Planned Development Permit No. 1076  
Site Development Permit No. 372422  
Public Right of Way Permit No. 464724  
Date of Approval: September 17, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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Mike Westlake  
Program Manager

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

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

**COSTA VERDE HOTEL, LLC**  
Owner/Permittee

By \_\_\_\_\_  
S&L Posnock Living Trust, dated 8/4/95  
Stuart E. Posnock, Trustee

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

Rev. 10/26/06 jsf