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(R-2008-524)

RESOLUTION NUMBER R-303205

DATE OF FINAL PASSAGE NOVEMBER 20, 2007

WHEREAS, Eric Otterson, Benedicte Otterson and George Vano, Owners/Permittees, filed an application with the City of San Diego for a planned development permit/coastal development permit to demolish two residential units to allow for the construction of seven rental units in six buildings on four lots, with at-grade resident parking, and surface guest parking for the project to be known as the West Ocean Beach Park Units project, located at 4824 – 4836 West Point Loma Boulevard, and legally described as Lots 38-41, inclusive, in Block 29, Map 1217 of Ocean Beach Park Annex, City and County of San Diego, and a portion of Lot 37, Block 29, Map 1217, in the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan, in the RM-2-4 zone, Coastal Overlay Zone (appealable), coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and Ocean Beach Emerging Historic District; and

WHEREAS, on September 27, 2007, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 456171/Coastal Development Permit [CDP] No. 310804, and pursuant to Resolution No. 4320-PC voted to grant the Permit; and

WHEREAS, Patricia Housman appealed the Planning Commission decision to the Council of the City of San Diego; 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 November 20, 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 Planned Development Permit No. 456171/Coastal Development Permit No. 310804:

**A. PLANNED DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0604**

1. The proposed development will not adversely affect the applicable *land use plan*. The project would demolish two existing residential units to allow for construction of seven new rental units in six buildings. The project location is within the North Ocean Beach area of the Ocean Beach Precise Plan and Local Coastal Program Plan, in an area with a density recommendation of 25 dwelling units per acre [du/ac]. The project does not exceed the density of the zone which allows for one dwelling unit for each 1,750 square feet. The 13,078 square foot project site therefore allows eight units where seven are proposed. Likewise, the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan recommend a density of 25 du/ac for this location in the North Ocean Beach neighborhood. The project proposes seven units on a 0.30-acre site for a density of 23 du/ac which meets the community plan recommendation.

The project location is within an area designated by the San Diego Association of Governments [SANDAG] as a Smart Growth site. The increase in density at this site is consistent with the SANDAG long-range vision for the area.

The block where the subject site is located contains predominately residential development, with much of the surrounding development at single-story. However, there is a general mixture of both single- and multi-family residential development, both single- and multi-stories in height within a 300 foot radius of the subject site.

The Ocean Beach Community Plan calls for small-scale residential building types and styles. While the proposed cottages are greater in number than the existing residences to be demolished, individually, each detached unit is small-scale residential building type consisting of units of only approximately 1,000 square feet. The project was designed to minimize the footprint. The small footprints and detached structures, combined with staggering of the structures and allowing the structures to follow the natural contours of the parcel, present a small

mass and profile to the neighborhood. The project also includes open space at the front and rear yards, along with substantial landscaping around all units.

At the recommendation of the community plan, the SDMC establishes a maximum Floor Area Ratio [FAR] of 0.7, or 9,222 square feet. The project proposes 6,891 square feet of living area, whereas up to 6,893 square feet is allowed; and provides 9,222 square feet total floor area, where 9,222 is allowed.

The project meets the requirements of the Municipal Code and recommendations of the community plan with respect to floor area ratio, density, building height and setbacks. While the zone could allow up to 40 feet [SDMC section 131.0444(f)], the Coastal Height Overlay Zone restricts to 30 feet.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project would demolish two existing residential units to allow for construction of seven rental units in six buildings. The development of the five single-family detached units and duplex unit will not pose any risk or danger to the public health, safety and welfare. While portions of the subject site are identified as low seismic risk due to potential liquefaction, the development will incorporate all recommendations from the Geotechnical engineer to mitigate the potential impacts. Furthermore, the development will incorporate all recommendations and sizes for proper sized foundation and building components from a licensed structural engineer. The subject site is located within private property and is neither located on or near any bluff or cliff. The development would mitigate interior noise to 45 decibels [dB] or less. Exterior usable open space would meet 65 dB.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project would demolish two existing residential units to allow for construction of seven rental units in six buildings. The proposed development complies with all applicable regulations, as allowed by the approval of a Planned Development Permit.

The project meets the requirements of the SDMC and recommendations of the community plan with respect to floor area ratio, density, building height and setbacks. While the zone could allow up to 40 feet [SDMC section 131.0444(f)], the Coastal Height Overlay Zone restricts to 30 feet. The highest building height would be below the 30 foot height limit.

4. The proposed development, when considered as a whole, will be beneficial to the community. The project would demolish two existing residential units to allow for construction of seven rental units in six buildings. The project was designed to provide the smallest possible massing and footprints to respect the single-family portion of the neighborhood. These small footprints and detached structures, combined with staggering of the structures and allowing the structures to follow the natural contours of the parcel, will present a small mass and profile to the neighborhood. Currently there are multiple examples of this building type around the subject site and community. The proposed development helps reduce the bulk and scale as compared to the alternative of construction of one single large structure. This project also includes the required open space at the front and rear yards, along with the required landscaping around all units. The landscaping provided will visually buffer the proposed development and soften the appearance of the street frontage. The density at this site is

consistent with the SANDAG long-range vision for the area. When considered in a cumulative manner, the proposed development will benefit 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.

The project would demolish two existing residential units to allow for construction of seven rental units in six buildings. The requested deviation pertains to SDMC section 131.0464(e)(2), stating that at least 50 percent of the length of the building façade on the ground floor must enclose habitable area, applies to the front two cottage units facing West Point Loma Boulevard. In order to provide a project with the proposed small footprints and detached structures, the driveway configuration bisects the parcel to allow for vehicular access to all the detached cottages in the rear of the parcel. Thus, in order to provide this detached small scale design approach, the front two structures do not meet the above stated requirement and exceed the 50 percent maximum by approximately six feet. This is based on the footprints of these detached structures being so small that the bottom floor footprint in question is approximately on 480 square feet in total and thus, once parking is provided it is impossible to meet the maximum 50 percent requirement as the required parking makes up the majority of the first level footprints of these detached structures. Without this deviation, and keeping the project at the density as proposed, the design could be a "box-like" form with more bulk, increased scale, and mass which would be detrimental to the neighborhood appearance and character. The minor deviations are appropriate for this site.

B. COASTAL DEVELOPMENT PERMIT SDMC SECTION 126.0708

1. The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*; and the proposed *coastal development* will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan*. The project would demolish two existing residential units to allow for construction of seven rental units in six buildings. The subject site is located approximately one-quarter block from the intersection of Sunset Cliffs Boulevard and West Point Loma Boulevard; and approximately one-half mile from the Pacific Ocean. The proposed development is situated on a deep lot that runs its entire length adjacent to existing residential lots, West Point Loma Boulevard at the front of the site, and Robb Field at the rear of the site. Gaining access to the ocean or any coastal body of water in this area is not accomplished through this lot. As such, adequate access exists in the area and is not affected by this project.

2. The proposed *coastal development* will not adversely affect *environmentally sensitive lands*. The project proposes to demolish two existing residential units and construct a new seven rental units in six buildings. A Mitigated Negative Declaration has been prepared for the project and no Environmentally Sensitive Lands have been identified on the project site. In addition, the project is located within an existing urbanized area, surrounded by a fully developed residential neighborhood; therefore the project would not adversely affect these resources. The project is located outside and is not within or adjacent to the Multiple Species

Conservation Program [MSCP], Multiple Habitat Planning Area. The proposed construction will not conflict with the MSCP, and will not adversely affect environmentally sensitive lands.

3. The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified *Implementation Program*. The project would demolish two existing residential units to allow for construction of seven rental units in six buildings. The project location is within the North Ocean Beach area of the Ocean Beach Precise Plan and Local Coastal Program Plan in an area with a density recommendation of 25 du/ac. The project does not exceed the density of the zone which allows for one dwelling unit for each 1,750 square feet. The 13,078 square foot project site therefore allows eight units where seven are proposed. Likewise, the Ocean Beach Precise Plan and Local Coastal Program Plan recommend a density of 25 du/ac for this location in the North Ocean Beach neighborhood. The project proposes seven units on a 0.30-acre site for a density of 23 du/ac which meets the community plan recommendation.

The project location is within an area designated by SANDAG as a Smart Growth site. The increase in density at this site is consistent with the SANDAG long-range vision for the area.

The block where the subject site is located contains predominately residential development, with much of the surrounding development at single-story. However, there is a general mixture of both single- and multi-family residential development, both single- and multi-stories in height within a 300 foot radius of the subject site.

The Ocean Beach Community Plan calls for small-scale residential building types and styles. While the proposed cottages are greater in number than the existing residences to be demolished, individually, each detached unit is small-scale residential building type consisting of units of only approximately 1,000 square feet. The project was designed to minimize the footprint. The small footprints and detached structures, combined with staggering of the structures and allowing the structures to follow the natural contours of the parcel, present a small mass and profile to the neighborhood. The project also includes open space at the front and rear yards, along with substantial landscaping around all the units.

The project meets the requirements of the Municipal Code and recommendations of the community plan with respect to floor area ratio, density, building height and setbacks. While the zone could allow up to 40 feet [SDMC section 131.0444(f)], the Coastal Height Overlay Zone restricts to 30 feet. The highest building height would be 29' 10" in Building C at the rear (northerly end) of the site.

4. For every Coastal Development Permit issued for any *coastal development* between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the *coastal development* is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project would demolish two existing residential units to allow for construction of seven rental units in six buildings. Because the project is located within the First Public Roadway, the Coastal Act Findings are substantiated as follows.

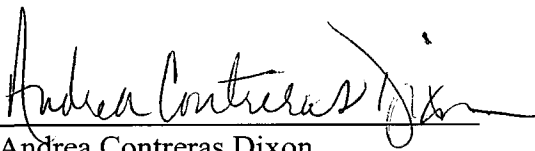
The proposed development is to demolish an existing 1-story, two existing residential units and construct a new seven rental units in six buildings. The subject property is designated as being between the first public road and the Pacific Ocean within the Coastal Overlay Zone.

The proposed project site is adjacent to the Ocean Beach Park, designated in the Local Coastal Program as a public park and recreational area. Public access to the park area is available at the end of Bacon Street and Sunset Cliffs Boulevard. All development would occur on private property; therefore, the proposed project will not encroach upon the existing physical access way used by the public. Adequate off-street parking spaces will be provided on-site, thereby, eliminating any impacts to public parking. The proposed coastal development will conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

BE IT FURTHER RESOLVED, that the appeal of Patricia Housman is denied; the decision of the Planning Commission is sustained; and Planned Development Permit No. 456171/Coastal Development Permit No. 310804 is granted to Eric Otterson, Benedicte Otterson and George Vano, Owners/Permittees, 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 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

12/21/07

Or.Dept:Clerk

R-2008-524

MMS #5459

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R-303205

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 42-6042

PLANNED DEVELOPMENT PERMIT NO. 456171
COASTAL DEVELOPMENT PERMIT NO. 310804
WEST OCEAN BEACH PARK UNITS [MMRP] – PROJECT NO. 95894
CITY COUNCIL

This Planned Development Permit No. 456171/Coastal Development Permit No. 310804 is granted by the City Council of the City of San Diego to Eric Otterson, Benedicte Otterson and George Vano, Individuals, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0603 and 126.0707. The project site is located at 4824-4836 West Point Loma Boulevard in the RM-2-4 zone of the Ocean Beach Precise Plan and Local Coastal Program Plan, Coastal Overlay Zone (appealable), Coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone and ocean Beach Emerging Historic District. The project site is legally described as Lots 38 – 41, inclusive, in Block 29, Map 1217 of Ocean Beach Park Annex, City and County of San Diego, and a portion of Lot 37, Block 29, Map No. 1217.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to demolish two residential units and construct seven rental units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 20, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of two non-historic, residential units at 4836 and 4824 West Point Loma Boulevard built in 1912 – 1914;
- b. Construction of a new seven rental units consists of five detached 2-story structures over parking, and one duplex over parking;
- c. Provide sixteen off-street parking spaces;

- d. Deviate from the Municipal Code to allow less than 50 percent of the length of the building façade on the ground floor to enclose habitable area per SDMC section 131.0464(e)(3);
- e. Landscaping (planting, irrigation and landscape related improvements); and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC 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 affect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/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.
4. 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.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/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.).

8. 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.

9. Construction 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.

10. 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.

11. 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.

12. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the

applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. 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.

14. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 95894 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration, satisfactory to the City Manager and City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Archaeological Resources and Noise.

16. Prior to the issuance of any construction 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 the permit compliance monitoring.

17. Prior to demolition of the existing buildings, the applicant shall obtain approval from the Air Pollution Control District.

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to the issuance of any building permit, the applicant 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[LDC]). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

ENGINEERING REQUIREMENTS:

19. Prior to the building occupancy, the applicant shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

20. Prior to the issuance of any construction permit, the applicant shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

21. Prior to the issuance of any construction permit the applicant 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.
22. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
23. Prior to the issuance of a building permit the applicant shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
24. The drainage system proposed for this development is private and subject to approval by the City Engineer.
25. The applicant shall remove the existing driveway and construct a new City Standard 20' wide driveway, adjacent to the site on West Point Loma Boulevard. All work shall be completed and accepted by the City Engineer, prior to building occupancy.
26. The applicant shall replace the curb with City standard curb and gutter, adjacent to the site on West Point Loma Boulevard, satisfactory to the City Engineer, prior to building occupancy.

LANDSCAPE REQUIREMENTS:

27. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."
28. Prior to issuance of any construction permits for buildings, complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.
29. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
30. 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.

31. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

32. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

PLANNING/DESIGN REQUIREMENTS:

33. No fewer than sixteen off-street parking spaces, and one motorcycle parking space, shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A." Parking spaces shall comply at all times with the requirements of the LDC and shall not be converted for any other use unless otherwise authorized by the City Manager.

34. 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 Owner/Permittee.

35. Prior to issuance of building permits, the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45db. The applicant will be required to spend no more than 10 percent of construction costs to meet noise attenuation requirements.

36. Prior to the issuance of any building permits, the Owner/Permittee shall grant to the San Diego County Regional Airport Authority, an aviation easement for the purpose of maintaining all aircraft approach paths to the San Diego International Airport. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement.

37. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an aviation easement has been

granted across the property. The note shall include the County Recorder's recording number for the avigation easement.

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

WASTEWATER REQUIREMENTS:

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

40. 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.

GEOLOGY REQUIREMENTS:

41. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

WATER REQUIREMENTS:

42. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

43. 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 and the City Engineer.

44. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner the Water Department Director and the City Engineer.

45. 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, and associated easements, as shown on approved Exhibit "A" 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.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on November 20, 2007, by Resolution No. R-303205.

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.

ERIC OTTERSON
Owner/Permittee

By _____

BENEDICTE OTTERSON
Owner/Permittee

By _____

GEORGE VANO
Owner/Permittee

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04