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2/17/09

RESOLUTION NUMBER R' 304662

DATE OF FINAL PASSAGE FEB 17 2009

RESOLUTION GRANTING PLANNED DEVELOPMENT PERMIT NO. 366166/SITE DEVELOPMENT PERMIT NO. 366168 FOR THE TORREY BROOKE II PROJECT.

WHEREAS, Torrey Brooke Developments Inc., Owner/Permittee, filed an application with the City of San Diego for a planned development permit/site development permit to subdivide a 2.132-acre site into three separate parcels at the end of La Harina Court, known as the Torrey Brooke II Project [Project], located on the west side of the southerly extension of La Harina Court, bordered roughly to the south by Adobe Bluffs Road, and legally described as remainder Parcel of Torrey Brook, Tract No. 98-1189, Map No. 14383, recorded May 1, 2002; in the AR-1-1 zone (proposed RS-1-13 zone), within the Torrey Highland Subarea Plan IV; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 366166/Site Development Permit No. 366167, and pursuant to Resolution No. 4464-PC voted to recommend City Council approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on FEB 17 2009, 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. 366166/Site Development Permit

No. 366167:

A. PLANNED DEVELOPMENT PERMIT FINDINGS

1. The proposed development will not adversely affect the applicable land use Plan. The Project proposes to create three parcels from a 2.132-acre site and allow the development of two-single-family structures. This property is designated in the Torrey Highland Subarea Plan IV for residential development from three to five dwelling units per net acre and open space. The proposed use of this site for residential uses would be consistent with the Torrey Highland Subarea Plan IV. The proposed Project, being determined consistent with the community plan land use, would not adversely affect the relevant land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare The Project proposes to create three parcels from a 2.132-acre site and allow the development of two-single-family structures. The permit controlling the development proposed for this site contains conditions addressing the Project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, and Mechanical Codes and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

3. The proposed development will comply with the regulations of the Land Development Code. The Project proposes to create three parcels from a 2.132-acre site and allow the development of two single-family structures. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Land Development Code in effect for this site and have been written as such into the permit. Development of the site with a residential use shall meet all requirements of the regulations, as allowed through a Planned Development Permit. Concept plans for the Project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the Project.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Project proposes to create three parcels from a 2.132-acre site and allow the development of two single-family structures. The provision of market rate housing provides a benefit to the community by adding to the available housing stock of the City, is consistent with other approved land uses in the community, is consistent with the intended planning efforts of the City, and will enhance the neighborhood and community by its being developed as described by the submitted conceptual designs.

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 proposes to create three parcels from a 2.132-acre site and allow the development of two-single-family structures. The Project has been designed to reduce impacts to sensitive steep slopes, biological resources, and to create a grading concept compatible with the existing neighborhood. The applicants are requesting a deviation to allow access to Lot Two (2) via a private driveway extending southerly from La Harina Court through an access easement. The private driveway and easement will be located on Lot One (1) at the southern terminus of La Harina Court. Access to Lot One (1) would be via a cul de-sac at La Harina Court. Staff supports the deviation to allow greater flexibility in the design of the Project. Staff has determined the deviation results in a superior design and reduction of impacts to environmentally sensitive lands. The Project would not adversely affect the Land Use Element and is consistent with the goals and policies of the Torrey Highland Subarea Plan IV.

B. SITE DEVELOPMENT PERMIT FINDINGS

1. The proposed development will not adversely affect the applicable land use plan. The Project proposes to create three parcels from a 2.132-acre site and allow the development of two single-family structures. The Torrey Highland Subarea Plan IV identifies this site for residential development. This property is designated in the Torrey Highland Subarea Plan IV for residential development up to three to five dwelling units per net acre and open space. Please see Planned Development Permit Finding No. 1 above.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Project proposes to create three parcels from a 2.132-acre site and allow the development of two single-family structures. The permit controlling the proposed development and its continued operation contains conditions addressing Project compliance with applicable City, regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the Project area. Please see Planned Development Permit Finding No. 2 above.

3. The proposed development will comply with the regulations of the Land Development Code. The Project proposes to create three parcels from a 2.132-acre site and allow the development of two single-family structures. The proposed development requires a Site Development Permit to assure compliance with the Environmentally Sensitive Lands Ordinance of the Land Development Code. The Torrey Highland Subarea Plan IV designates the subject property for Very Low Density Residential development at three to five dwelling units per acre. The density of the proposed Project is 0.94, which is within the allowable density range. The proposed development with the exception of the street frontage requirement complies with all applicable Land Development Code regulations as allowed by a Planned Development Permit.

**C. SITE DEVELOPMENT PERMIT 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 project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The project has been designed to reduce impacts to sensitive steep slopes, biological resources and to create a grading concept compatible with the

existing neighborhood. The applicants are requesting a deviation to allow access to Lot Two (2) via a private driveway extending southerly from La Harina Court through an access easement. The private driveway and easement will be located on Lot One (1) at the southern terminus of La Harina Court. Access to Lot One (1) would be via a cul de-sac at La Harina Court. Staff supports the deviation to allow greater flexibility in the design of the project. Staff has determined the deviation results in a superior design and reduction of impacts to environmentally sensitive lands. Staff has determined the deviation would result in a superior design and reduces impacts to environmentally sensitive lands. Therefore the project site is physically suitable for the project and would result in a minimum disturbance to environmentally sensitive lands.

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. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. An updated Geotechnical Report was provided for the proposed project (Geocon, August 31, 2001) and concluded that there are no geology or soil conditions that would preclude the development of the project. The proposed project complies with all applicable requirements related to storm water runoff and Best Management Practices. The slopes will be planted with species capable of reducing, and eventually preventing, soil erosion from wind and rain. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The project site is not within or adjacent to the City's Multi-Habitat Planning Area [MHPA] for the Multiple Species Conservation Program [MSCP]. However, the Mitigated Negative Declaration [MND] addressed potential impacts and mitigation to noise, biology, drainage, hydrology/water quality, lighting, invasives and brush management. The project would be conditioned through the Mitigation Monitoring Reporting Program and other City Permit conditions to ensure that urban run off would be cleaned and dissipated before being routed to storm drains; all lighting would be shielded/directed away from adjacent environmentally sensitive lands; and all landscape species within/adjacent to open space areas or brush management zones would be native or non-invasive species. Accordingly, adverse impacts to adjacent environmentally sensitive lands would be prevented.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The project site is not within or adjacent to the MHPA for the MSCP. Therefore, the project is not subject to the MSCP adjacency guidelines. However, the Mitigation Monitoring and Reporting Plan [MMRP] will be implemented and includes mitigation measures consistent with the MSCP Subarea Plan. Incorporation of these measures will ensure consistency with the City of San Diego's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The proposed project is several miles inland from public beaches and local shoreline and therefore,

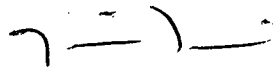
will not contribute to the erosion of any public beaches or adversely affect shoreline or sand supply. Storm drain facilities will be constructed to collect surface water runoff, filter pollutants, and reduce water runoff velocities.

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. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The MND No. 2118 prepared for this project included a specific impact analysis for the proposed development. Findings to support the MND's conclusions have been made and are part of this project's record. All mitigation measures identified in the MND are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Any impacts would be mitigated to below a level of significance through implementation of the Mitigation, monitoring and Reporting Program.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 366166/Site Development Permit No. 366167 is granted to Torrey Brooke Developments Inc., Owner/ Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Nina M. Fain
Deputy City Attorney

NMF:as:mm:pev
02/06/09
Or.Dept:DSD
R-2009-624
MMS#5954

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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 42-0188

PLANNED DEVELOPMENT PERMIT NO. 366166
SITE DEVELOPMENT PERMIT NO. 366167
TORREY BROOKE II [MMRP]
CITY COUNCIL

This Planned Development Permit No. 366166/Site Development Permit No. 366167, is granted by the Council of the City of San Diego to Torrey Brooke Developments Inc., Owner/Permittee, pursuant to Chapter 12, Article 6, Divisions 5 and 6 of the San Diego Municipal Code. The 2.132-acre site is located on the west side of the southerly extension of La Harina Court in the AR-1-1 Zone (proposed RS-1-13 Zone), within the Torrey Highland Subarea Plan IV. The project site is legally described as remainder Parcel of Torrey Brook, Tract No. 98-1189, Map No. 14383, recorded May 1, 2002.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to create three parcels from a 2.132-acre site and rezone the site from AR-1-1 to RS-1-13. The subdivision would allow the development of two single-family structures and one open space lot described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated FEB 17 2009, on file in the Office of the Development Services Department.

The facility shall include:

- a. Subdivision of a 2.132-acre lot into two single-family lots and one open space lot; and
- b. Construction of two-single-family residences of approximately 4, 812-square-feet and 4,642-square-feet respectively, totaling 9,454; and
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Six off-street parking spaces; and

- e. Public and private 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, requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code 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 Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego, the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. Issuance of this permit by the City of San Diego does not authorize the Owner/Permittee for said permit to violate any federal, state or City laws, ordinances, regulations, or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the

status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

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/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No change, modifications or alterations shall be made unless appropriate applications or amendment of 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 discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

PLANNING/DESIGN REQUIREMENTS

11. No fewer than six off-street parking spaces shall be maintained on each lot at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
12. The Owner/Permittee shall comply with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. A deviation was granted under this permit to allow access to Lot Two (2) via a private driveway extending southerly from La Harina Court. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
13. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.
14. A topographical survey conforming to the provisions of the Land Development Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
15. Prior to the approval of a Parcel Map, Owner/Permittee shall record a covenant of easement or an open space easement in perpetuity or dedicate in fee title any areas containing steep hillsides (or any other Environmentally Sensitive Lands) that are not part of the allowable development area. These areas shall be left undeveloped and in their natural state.
16. 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.
17. Prior to the approval of the first grading permit and/or recordation of the Parcel Map, Owner/Permittee shall record an open space easement in perpetuity across the Open Space Lot A identified on Exhibit "A." The retaining wall shall be kept outside of the recorded Open Space easement.
18. Except for restoration activities, at no time shall structures be built in or shall any development occur within the lot identified as Open Space Lot A on Exhibit "A."

ENGINEERING REQUIREMENTS

19. The Permit shall comply with the conditions of the Torrey Brooke II, Tentative Map No. 366169.
20. Prior to issuance of any occupancy permits all required public improvements shall be completed satisfactory to the City Engineer.

LANDSCAPING REQUIREMENTS

21. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 555.0889.0201, the Landscape Standards and the Land Development Code section 142.0412 (Ordinance No. O-18451).
22. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan.
23. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manger's approval.
24. The following note shall be provided on the Brush Management Construction Documents: "The Owner/Permittee shall schedule a pre-construction meeting on site with the contractor and the development Services Department to discuss and outline the implementation of the Brush Management Program."
25. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.
26. Prior to Final Inspection for any building, the approved Brush Management Program shall be implemented.
27. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.
28. The Brush Management Program shall consist of two zones consistent with the Brush Management Regulations of the Land Development Code section 142.0412 as follows: Lots one and two shall have a 35 foot Zone One and a 65 foot Zone Two.
29. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

30. All landscape and irrigation required by this permit shall conform to the City of San Diego's Landscape Regulations, the Land Development Manual - Landscape Standards, and all other landscape related City and regional standards.

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

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

33. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan. Construction plans shall provide a 40 square foot area around each tree which is unencumbered by hardscape or utilities as set forth under Land Development Code section 142.0403(b)5.

34. Prior to issuance of Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections consistent with Exhibit "A."

35. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

36. No irrigation run-off shall drain off site into the public right-of-way, streets, drives or alleys. No connection shall be made to any storm water sewer system without proper PBMP's.

37. 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 Final Inspection.

WASTEWATER REQUIREMENTS

38. All proposed sewer facilities serving this development will be private.

39. Prior to the issuance of any engineering or building permits, the developer shall provide an Encroachment Maintenance and Removal Agreement for all private sewer laterals located within City street right of ways.
40. Prior to the issuance of any engineering or building permits, the developer shall provide CC&R's, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of a private sewer main that serves more than one lot.
41. 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.
42. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
43. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one lot.

WATER REQUIREMENTS

44. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services within the La Harina Court right-of-way adjacent to the Project site in a manner satisfactory to the Water Department Director and the City Engineer. Water services, as shown on approved Exhibit "A," shall be modified at final engineering to conform to standards.
45. 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. Any fire hydrant installation not conforming to public standards shall be private.
46. Prior to the issuance of any certificates of occupancy, all public water facilities necessary to serve the development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
47. 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, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

FIRE REQUIREMENTS

48. Prior to the issuance of any certificates of occupancy, in lieu of providing Fire Department access, the single-family residences and garages shall be equipped with residential fire sprinkler systems satisfactory to the Fire Marshal.

INFORMATION ONLY

Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this permit map, 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 66020.

APPROVED by the Council of the City of San Diego on FEB 17 2009 by
Resolution No. R- 304662.

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.

**TORREY BROOKE DEVELOPMENTS
INC. - Owner/Permittee**

By _____

By _____

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

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