

RESOLUTION NUMBER R- 304687

DATE OF FINAL PASSAGE FEB 24 2009

RESOLUTION APPROVING SITE DEVELOPMENT PERMIT  
NO. 42924 – PETRIE RESIDENCES – PROJECT NO. 18262.

WHEREAS, John R. Petrie, Trustee of the John R. Petrie Trust Agreement, dated July 21, 2004, Owner/Permittee, filed an application with the City of San Diego for a site development permit to create two lots, construct one new single-family residence and construct an addition to an existing single-family residence to be known as the Petrie Residences project, located at 3520 Dove Court, and legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street (Parcel "A") and a portion of Lot 5, Inspiration View, Map No. 1854 and a portion of vacated Walnut Street (Parcel "B") in the Uptown Community Plan area, in the RS-1-1 and RS-1-7 zones, which are proposed to be rezoned to the RS-1-4 and RS-1-7 zones, and the FAA Part 77 Noticing Area; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 42924, and pursuant to Resolution No. 4470-PC voted to recommend approval of the permit; and

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

WHEREAS, the matter was set for public hearing on FEB 24 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 Site Development Permit No. 42924:

**A. SITE DEVELOPMENT PERMIT - SDMC SECTION 126.0504**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The proposed project consists of two parcels. The Uptown Community Plan designates Parcel "A" as Low Residential 5 to 10 dwelling units per acre [du/ac] (0.07 acres) and Open Space (0.29 acres). This site is currently developed with one existing single-family dwelling unit. The community plan designates Parcel "B" as Open Space (0.27 acres). According to the Open Space and Recreation Element of the community, Parcel "B" is located in Biological/Geological Zone 1, which allows very low residential development at 1 to 2 du/ac. Based on the existing land use designation, one dwelling unit would be allowed on Parcel "B" resulting in the net increase of one single-family dwelling unit within the community. The proposed single-family uses are consistent with the Uptown Community Plan designation and will not adversely affect this land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. A Negative Declaration was prepared for this project, which evaluated Biological Resources, Geology, and Historical Resources (architecture). It was determined that the proposed project would not result in significant impacts to these resources. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Codes and City regulations governing the construction of development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. No deviations are requested or granted from the applicable development regulations of the zones. The project has been conditioned to conform with all applicable regulations of the Land Development Code [LDC].

**4. The site is physically suitable for the design and citing of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The site is irregularly-shaped and slopes descending from east to west. Steep slopes indicating the presence of environmentally sensitive lands are those that are natural, undisturbed slopes, 25 percent slope or greater, and have at least 50 feet in elevation. A slope analysis was prepared for this project. That analysis clarified the location of steep slopes on this project site. A minor portion of a balcony addition to the existing residence at 3520 Dove Court is within the natural, undisturbed portion of the steep slopes. The new residence construction is located entirely within an area of previously-disturbed slopes, and has been designed to impact a

minimal amount of this area, in accordance with LDC regulations. Proposed grading consists of approximately 500 cubic yards of cut, with a maximum cut depth of 15 feet, 350 cubic yards of fill, with a maximum fill depth of 10 feet, and approximately 230 cubic yards of export. The maximum height of the cut slope would be 2 feet at a 2:1 slope ratio, and the maximum height of the fill slope would be 14 feet at a 2:1 slope ratio at the location of the required hammerhead turnaround. The project would result in a total graded area of approximately 0.15 acre. Based on the above information and the applicable LDC regulations, the proposed development is not located on natural steep slopes and the proposed development will result in a minimum disturbance to the environmentally sensitive lands.

**5. 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 proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. As indicated in Finding No. 4, above, the project has been designed to minimize the alteration of the natural steep slopes existing on the site. A geotechnical investigation report and several addenda were prepared for the proposed hillside project that addressed geologic hazards. Slope stability of the site was evaluated and the geotechnical consultant determined that the proposed building site and existing building site have adequate gross and surficial slope stability and the proposed subdivision will be safe from geologic hazards. However, the western portions of site were determined to have a factor of safety of less than 1.5 with respect to slope stability due to the proximity of the existing steep cut slope located west and adjacent to the site. Considering the steep slope is an existing offsite non-conforming condition, the owner has agreed to establish a "Building Restricted Easement" for the areas of the site determined to have a factor of safety of less than 1.5. In addition, a Notice of Geologic and Geotechnical Conditions has been recorded against the subject property that is a disclosure and hold harmless agreement. A new storm drain system would be installed with project implementation. The project would be required to incorporate construction and post-construction Best Management Practices [BMP], and the applicant would be required to enter into a maintenance agreement with the City of San Diego for on-going permanent BMP maintenance, as a condition of project approval. All site runoff would be required to comply with the City's Storm Water Standards. Accordingly, implementation of the proposed project will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. All modifications required to implement the proposed project will occur on the project site, and will not impact adjacent properties. Any sensitive slopes extending onto adjacent properties would not be modified as a result of this project. In addition to the slope analysis and geologic reconnaissance referenced in Findings 4 and 5 above, a biological resources report was prepared to determine if the proposed project would have the potential to result in significant impacts to sensitive biological resources. The report concluded that the site contains a mixture of ornamental trees with interspersed native trees and shrubs, and that no biologically sensitive plant or animal species and/or habitats exist onsite. Due to the lack of sensitive biological resources, no impacts are expected and no mitigation would be required. The project would not adversely impact any adjacent environmentally sensitive lands.

7. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The project site is not located within the City of San Diego's Multiple Species Conservation Program Subarea Plan, and therefore will not provide any impacts and is consistent with the Plan.

8. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The project site, approximately two miles from San Diego Bay, is not located within any coastal areas and will therefore not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

9. **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 proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. A Negative Declaration was prepared for this project, which evaluated Biological Resources, Geology, and Historical Resources (architecture). It was determined that the proposed project would not result in significant impacts to these resources. Accordingly, no mitigation is required as a condition of this permit.

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 Site Development Permit No. 42924 is granted to John R. Petrie, Trustee of the John R. Petrie Trust Agreement, dated July 21, 2004, under the terms and conditions as set forth in the attached Permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas  
Shannon Thomas  
Deputy City Attorney

ST:hm:pev  
02/09/09  
Or.Dept:DSD  
R-2009-839  
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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 42-2010

SITE DEVELOPMENT PERMIT NO. 42924  
**PETRIE RESIDENCES – PROJECT NO. 18262**  
CITY COUNCIL

This Site Development Permit No. 42924 is granted by the City Council of the City of San Diego to John R. Petrie, Trustee of the John R. Petrie Trust Agreement, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.0104 and 126.0502. The .63-acre site is located at 3520 Dove Court in the RS-1-1 and RS-1-7 zones and the FAA Part 77 Noticing Area within the Uptown Community Plan. The project site is legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street and a portion of Lot 5, Inspiration Way, Map No. 1854 and a portion of vacated Walnut Street.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create two lots, construct one new single-family residence and construct an addition to an existing single-family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated FEB 24 2009, on file in the Development Services Department.

The project or facility shall include:

- a. The creation of two lots, the construction of a new, approximately 5,061 square-foot, single-family residence with attached garage, and the construction of an addition to an existing single-family residence (resulting in a total size of approximately 4,082 square feet);
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. 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 [CEQA], public and private improvement requirements of the

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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 will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect 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 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.
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 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.
5. The 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 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.).
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. 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.

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. The Owner/Permittee 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, relating to the issuance of this permit including, but not limited 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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee 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, Owner/Permittee 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 Owner/Permittee 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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. Prior to issuance of a building permit the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

12. This project shall conform with the provisions of Tentative Map No. 42906; Public Right-of-Way Vacations per Resolution No. R-304689 (more fully described in "Legal Description" Exhibit A and "Drawing" Exhibit B [B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B]); and Rezone No. 42905.

**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of a grading permit and recordation of the Easement Vacation, the Owner/Permittee shall demonstrate to the satisfaction of the City of San Diego that the same has obtained clear title to ownership of the entire property within, upon, and below the public right-of-way that are the subject of Easement Vacation No. 42923.

14. Voluntary Construction Parameters from Applicant. The conditions below were voluntarily agreed to be included within this Tentative Map and referenced Site Development Permit by the applicant at the October 9, 2008, Planning Commission hearing. To the satisfaction of the City Engineer, all of the following recommendations will be followed during the construction of improvements, as proposed for one new single family home to be constructed at the end of Bear Drive and as referred to as Lot B of Tentative Map No 42906:

- a. A Traffic Control plan taking into account traffic safety and road capacity shall be prepared, submitted and approved by the City Engineer prior to the commencement of any grading operations.
- b. No construction vehicles, equipment or supplies will be stored or parked on Bear Drive unless directly adjacent to the property being improved.
- c. All heavy equipment and materials will be off-loaded from Torrance Ave or Dove Court and then transported in smaller batches, 1 ton or less, by way of a rubber tired forklift or smaller truck, not in excess of 12,000 lbs GVW, to the construction site. The only exception shall be for awkward sized loads such as lumber or steel which may be transported on a limited basis by trucks not exceeding 45,000 lbs. GVW.
- d. All wet concrete will be off-loaded and pumped down the hill from the end of Dove Court, not Walnut Avenue or Bear Drive.
- e. Earth moving equipment and dirt hauling trucks shall be of the smallest and lightest variety practically useful and locally available for the job required but shall not exceed 55,000 lbs. GVW under any circumstances.
- f. At no time shall any construction vehicle loads exceed the safe weight limit for any street as may be determined and notified or posted by the City Engineer.

It is hereby agreed that the above measures shall be followed during construction at all times. These measures shall be a part of the Development Permit and shall endure to and be enforceable upon the applicant and any future owner or builder of the improvements as referenced above.

15. In lieu of providing Fire Department access, the single-family residences and garages located off Walnut Avenue/Bear Drive shall be equipped with a residential fire sprinkler system, satisfactory to the Fire Marshal.



16. 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.
17. 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.
18. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
19. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of private drainage system within this development.
20. The drainage system proposed for this development is private and shall be privately maintained and is subject to approval by the City Engineer.
21. The Owner/Permittee shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
22. The Owner/Permittee shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Owner/Permittee shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
23. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
25. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
26. This project proposes to export approximately 230 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 onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling

facility with an approved Neighborhood Use Permit or Conditional Use Permit per Land Development Code section 141.0620(i).

**LANDSCAPE REQUIREMENTS:**

27. In the event the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to meet the Landscape Regulations.

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

29. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

30. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

31. The Owner/Permittee shall maintain all landscape 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.

32. 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.

33. 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, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to the performance of a Final Landscape Inspection.

34. Prior to issuance of construction permits for grading; the Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or Multiple Habitat Planning Area [MHPA], shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's [Cal-IPC] Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

**PLANNING/DESIGN REQUIREMENTS:**

35. No fewer than two off-street parking spaces for each single-family residence shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

36. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

37. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as 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.

38. 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.

39. 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.

40. All fences and retaining walls shall comply with San Diego Municipal Code Section 142.0301.

41. 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.

**TRANSPORTATION REQUIREMENTS:**

42. The Owner/Permittee shall maintain the modified hammer-head vehicle turn-around area open to the general public (including the red curb and the "No Parking" sign [R8-3a]), and may construct a future gate to the north of this area, to the satisfaction of the City Engineer.

**WASTEWATER REQUIREMENTS:**

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

44. 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.

45. All onsite sewer facilities shall be private.

**WATER REQUIREMENTS:**

46. The Owner/Permittee shall execute the Hold Harmless and Release Agreement for the new water meter to serve the subject project.

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

48. 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 Director of Public Utilities, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

50. 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 FEB 24 2009 by

Resolution No. R-304687.

AUTHENTICATED BY THE CITY MANAGER

By: \_\_\_\_\_

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.

THE JOHN R. PETRIE TRUST

By \_\_\_\_\_  
JOHN R. PETRIE  
Owner/Permittee

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04