

RESOLUTION NUMBER R- 304916

DATE OF FINAL PASSAGE MAY 19 2009

A RESOLUTION GRANTING PLANNED DEVELOPMENT  
PERMIT NO. 187924, DOTI POINT VIEWS PROJECT –  
PROJECT NO. 1481.

WHEREAS, MLC Homes, Inc., Owner/Permittee, filed an application with the City of San Diego for a planned development permit to subdivide a 3.64-acre parcel into fifteen lots including fourteen residential lots for the proposed construction of fourteen, 1- and 2-story, single-family dwellings and one park lot site to be known as the Doti Point View project, located at the end of the Doti Point cul-de-sac, between Doriana Street and Woodman Street, and legally described as Parcels 3 and 4 of Parcel Map No. 5943, in the Skyline-Paradise Hills Community Plan area, in the RS-1-7 zone (the previous R1-5000 zone); and

WHEREAS, on November 6, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 187924, and continued the item to December 4, 2008. On December 4, 2008, the item was continued to January 15, 2009 and trailed to January 22, 2009; and

WHEREAS, on January 22, 2009, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 187924, and pursuant to Resolution No. 4487-PC voted to recommend City Council approval of the Permit; and

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

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on MAY 19 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. 187924:

**A. PLANNED DEVELOPMENT PERMIT**

**1. The proposed development will not adversely affect the applicable land use plan.** The 3.64-acre site is located at the terminus of Doti Point Drive, in between Dorian Street and Woodman Street, within the Skyline-Paradise Hills Community Planning Area. The property is bounded on all sides with established subdivisions consisting of single-family and multi-family development. The proposal would subdivide the land into fourteen residential lots for the construction of 1- and 2-story, single-family dwellings and one park site/non-buildable easement lot.

The proposed use would not adversely affect the City's Progress Guide and General Plan or the adopted Skyline Paradise Hills Community Plan in that the proposed use would involve quality residential development designed in accordance with the density range and urban design principles established in the community plan. The proposed use would also be compatible with the existing and established neighborhood while respecting surrounding topography. The proposed development would fulfill a community need and primary residential goal to preserve the low density, single-family character of the community while helping increase the overall housing supply in the City.

The community plan for Skyline Paradise Hills designates the subject project site for single-family residential use at a low density of 0 to 10 dwelling units per net residential acre. This density range would allow a maximum of 26 units on this 2.59-acre site (net site area) that is currently vacant. The project is proposing new construction of fourteen single-family residential units on this vacant site that will add to the housing stock of owner-occupied units in this community and increase the overall housing supply in the City of San Diego.

The site is governed by the policies and guidelines of the General Plan, the Skyline Paradise Hills Community Plan and the development regulations of the previous R1-5000 zone, the Tentative Map and the Planned Residential Development. The proposed project is in compliance with all applicable policies, guidelines and regulations in effect for the site, with the exception of lot depths, retaining walls and building heights. Therefore, the

proposed development will fulfill a community need and will not adversely affect the applicable Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The permit prepared for this development includes various conditions and referenced Exhibits of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions of the City's Municipal Code in effect for this site; and that such conditions have been determined by the Decision Maker as necessary to avoid adverse impacts upon the health, safety, and general welfare. These conditions (referenced Exhibits) include limitations upon the extent and amount of site grading activities, minimum parking and landscaping requirements, required public improvements, and the placement of a non-buildable easement across on an existing northerly slope in order to restrict future development and maintain the hillside. Project implementation will improve the drainage on the site, as currently, drainage sheet flows across the site. Therefore, the proposed project will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed fourteen single-family dwellings will comply with all of the applicable regulations of the previous R1-5000 zone, including floor area ratio, front, rear and side setbacks, and parking. The proposed lots will meet or exceed the lot size, lot width and lot frontage requirements. A deviation to the lot depth requirement for six of the lots (Lots 3, 4, 5, 6, 10, and 11), retaining wall heights within the interior side yards for the six of the lots (Lots 2 and 3, and 6 through 9, and the front yards for lots 2 and 3), and to building height (36'-3 maximum where 30'-0" is permitted) has been incorporated into the site design as allowed under the PDP. The purpose and intent of the PDP is to facilitate development of areas designated for residential use in adopted community plans within urbanized areas while allowing greater flexibility than is possible through strict application of conventional zoning and subdivision regulations. The project complies with all relevant development regulations of the zone with the exception of the minor deviations that have been incorporated into the project design as allowed under a PDP.

The PDP ordinance requires that projects demonstrate compatibility with the scale of surrounding developments, avoid repetitious patterns and demonstrate consistency with the community plan. The Doti Point Views subdivision is consistent with the applicable regulations and design standards within the Municipal Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed project is the development of a vacant lot for the construction of fourteen residential, single family residences. The project will provide additional housing stock for the community consistent with surrounding developments, the underlying zone and the community plan. The vacant site has been used in the past for illegal dumping of materials. The proposed project will visually enhance the property with a 14-unit subdivision with new 2-story homes, landscaped yards and parkways and adjacent slopes. The proposed development when considered as a whole will be beneficial to 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 proposes deviations to lot depth, retaining wall height and building height.

- a. Six lots (Lots 3, 4, 5, 6, 10 and 11) would provide lot depths ranging from 76.5 feet to 94 where 95 feet is required.
- b. Six lots would incorporate stepped overheight plantable crib walls with the combined height of the walls reaching a maximum height of 18'-6" at the highest point where 6 feet is allowed within the interior side yard (Lots 2, 3 and 6 through 9), and, 11'-6" in height within the front yard (Lots 2 and 3);
- c. All of the structures would exceed the 30 foot height limit, resulting in a height of 36'-3" at the highest point.

The development is consistent with the requirements of the PDP. The PDP ordinance states the following:

*The purpose of the Planned Development Permit is to provide flexibility in the application of development regulations for project where strict application of the base zone regulations would restrict design options and result in a less desirable project. The intent of the regulations is to accommodate to the greatest extent possible, an equitable balance of development types, intensities, styles site constraints, project amenities, public improvements, community and City benefits. Deviations shall be permitted only if it is shown that similar situations exists within the surrounding neighborhood, or, that the deviations to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property.*

The property contains several unusual circumstances that are not of the making of the applicant and unique to the site. The property is a remnant parcel of land located between established subdivisions which consist of single-family development to the north east and south, and multi-family development to the west. Topographically, the property is elongated in shape and consists of a graded hillside which slopes steeply downward from Doti Point Drive, with an overall grade differential of approximately 105 feet from the northern property line to the southerly property line. The interior of the site contains a narrow belt of level area which is bounded along the north and south by large graded slopes. This northerly slope descends steeply from Doti Point Drive at varying heights of 27 feet to 42 feet to the level pad below. Along the southern portion of the site, larger graded slopes descend to a maximum level of 70 feet onto the rear lots of the residential development below. The property varies in width from 108 feet at its southeasterly boundary to 90 feet at its northerly boundary. The entire site is approximately 1,265 feet in length.

The project has been revised to lower retaining wall heights within the interior side yards and to provide for stepped walls. The overheight condition of the retaining walls occurs for six of the lots located behind the residences on the north side of the development. A

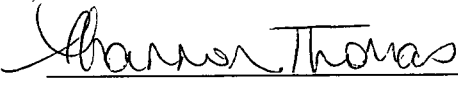
small portion of the walls would be visible when viewed from Wendy Way. The walls would be stepped, plantable and when landscape reaches maturity, the walls would be obscured into the adjoining hillside. Between the lower and upper walls will be a 1 – 1.5 : 1 plantable shelf extending an additional 5 feet to the second plantable wall, creating an additional open space physically and visually. The project engineer has indicated that increasing lot widths of Lots 3, 4, and 6 would necessitate further grading and encroachment into the existing up-slope embankment and potentially impact the roadway width required for the proposed development. With respect to building height, the project was redesigned in order to provide for rear yards for the lots on the north side of Wendy Way. Grade was raised an average of 7 feet, with a range of 4 feet to 8 feet. Building height must be measured from pre-existing grade. As such, the proposed residences would be approximately 36'-3" in height at the highest point where 30'-0" is allowed, however none of the structures will exceed a height of 30'-0" feet as measured and viewed from finished grade.

The proposed deviations have been incorporated into the project design are minor in scope and will result given the project benefits which include public amenities, excess open spaces areas and a project that will provide additional housing stock and visually enhance the site and the neighboring community.

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. 187924 is granted to MLC Homes, 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   
Shannon Thomas  
Deputy City Attorney

ST:pev  
04/03/09  
04/27/09 COR.COPY  
Or.Dept:DSD  
R-2009-1006  
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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 99-0658

**PLANNED DEVELOPMENT PERMIT NO. 187924**  
**DOTI POINT VIEWS – PROJECT NO. 1481 [MMRP]**

**CITY COUNCIL**

This Planned Development Permit No. 187924 is granted by the City Council of the City of San Diego to MLC Homes, Inc., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0602. The 3.64-acre site is located at the end of the Doti Point Drive cul-de-sac, between Doriana Street and Woodman Street in the RS-1-7 zone (previous R1-5000 zone) of the Skyline-Paradise Hills Community Planning area. The project site is legally described as Parcels 3 and 4 of Parcel Map No. 5943.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the property into fifteen lots (including fourteen residential lots and one park site/non-buildable easement lot), and construct a new-single-family residential development, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAY 19 2009, on file in the Development Services Department.

The project or facility shall include:

- a. The construction of fourteen, 1- and 2-story, single-family residences with attached double-car garages;
- b. Construction of a 2,200 square foot pocket park;

- c. Deviation to Building Height to allow 36'-3" in height as measured from pre-existing grade where 30'-0" is the maximum allowed (Finished grade height not to exceed 30'-0");
- d. Deviation to the minimum 95'-0" lot depth requirement for the following lots:

<b>Lot</b>	<b>Lot Depth Requested (average)</b>	<b>Required Lot Depth</b>
3	79 feet	95 feet
4	92 feet	95 feet
5	94 feet	95 feet
6	90 feet	95 feet
10	76.5 feet	95 feet
11	85 feet	95 feet

- e. Deviation to the 6'-0" maximum retaining wall height within the interior side and front yard setbacks of the following lots (12'-0" allowed in the interior side yard; 9'-0" allowed in the front yard with a maximum of 6'-0" for any one wall) for proposed split level walls:

Lot	Length of Wall (Feet)	Height (Feet)	
		(Maximum combined height of retaining walls; lower wall maximum height is 6'-0" in the ISY and 3'-0" in the FY)	
2	80	12 ISY	11'-6" FY
3	56	16'-6" ISY	11'-6" FY
6	73	13'-6" ISY	
7	73	17'-0" ISY	
8	65	15'-6" ISY	
9	77	18'-6" ISY	

- f. Off-street parking facilities; and
- g. 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 within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the



SDMC requirements and applicable guidelines in 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 development shall comply with the provisions of Tentative Map and Easement Abandonment No. 6928.

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.

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" conditions(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.

11. 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, 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 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:**

12. 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.

13. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 1481 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 1481 satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

15. Prior to 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 permit compliance monitoring.

**AFFORDABLE HOUSING REQUIREMENTS:**

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

**LANDSCAPE REQUIREMENTS:**

17. 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.

18. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must provide 40 square feet of area which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to final inspection for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan Review.

19. Prior to issuance of any engineering permits for grading, construction documents for slope planting, revegetation and hydro seeding of all disturbed lands, including irrigation plans, 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 the Permit, including Environmental Conditions and Exhibit "A."

20. Installation of slope planting and erosion control, including seeding of all disturbed land, (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

21. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

22. 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.

23. The Permittee or subsequent "Responsible Party" shall be responsible for the maintenance of all street trees and landscape improvements, including right-of-way landscaping, consistent with the Landscape Standards unless long-term maintenance of street trees and right-of-way 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 City Landscape Planner.

24. If any required landscaping (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.

25. The homeowners association shall be responsible for all plantable area from the top of the lower wall up to the rest of the property to the top of the bank (rear and side property lines).

#### **PLANNING/DESIGN REQUIREMENTS:**

26. 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.

27. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

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

29. 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**

30. No fewer than two off-street parking spaces shall be maintained on each residential lot 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 Development Services Department.

#### **WASTEWATER REQUIREMENTS:**

31. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

32. Prior to the issuance of any grading or building permits, the developer shall grant adequate sewer, and/or access easements for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director.

33. Prior to the issuance of any public improvement or building permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for all approved structures or landscaping, including private sewer facilities, grading, enhanced paving and retaining walls, installed in or over any sewer easement.

34. No trees shall be installed within 10 feet of any sewer facilities or in any sewer access easement. No shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.

35. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements [GUE] in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies will require separate easements.

36. 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.

37. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

38. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of a new 8-inch PVC water main in Doti Point Drive from Fowler Drive to Wendy Way and in Wendy Way to the easterly cul-de-sac of the new subdivision, in a manner satisfactory to the Utilities Department Director and the City Engineer.

39. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of a new water service for each lot, outside of any driveway or drive aisle within the right-of-way adjacent to the proposed lots, in a manner satisfactory to the Utilities Department Director and the City Engineer.

40. All water meters, including the water meter or meters to serve the common areas, shall have backflow prevention devices installed.

41. All on-site water facilities shall be private including domestic, fire and irrigation systems.

42. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire/Rescue Department, the Utilities Department Director and the City Engineer.

43. Prior to the issuance of any certificates of occupancy, all public water facilities necessary to serve the development, including water mains, water services and meters, shall be complete and operational in a manner satisfactory to the Utilities Department Director and the City Engineer.

44. 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. Water facilities, as shown on the approved plans, 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 MAY 19 2009,  
by Resolution No. R-304916..

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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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.

MLC HOMES, INC.  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04