

RESOLUTION NUMBER R- 305096

DATE OF FINAL PASSAGE JUL 14 2009

RESOLUTION GRANTING COASTAL DEVELOPMENT  
PERMIT NO. 250308/SITE DEVELOPMENT PERMIT  
NO. 250310 FOR THE LA JOLLA CONDOMINIUMS -  
PROJECT NO. 80161

WHEREAS, Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Owners/Permittees submitted an application to the City of San Diego for a coastal development permit and site development permit to demolish an existing apartment building, abandon an existing storm drain easement and construct a three-story, eight residential dwelling unit condominium development, for the La Jolla Condominiums project, located at 7570 La Jolla Boulevard, and legally described as Lots 17 and 18, Block 15, La Jolla Park Addition, Map No. 352, in Zone 5 of the La Jolla Planned District, Coastal (non-appealable), Coastal Height Limit, Transit and Beach Parking Impact Overlay Zones within the La Jolla Community Plan area; and

WHEREAS, on May 21, 2009, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 250308 and Site Development Permit [SDP] No. 250310 pursuant to Resolution No. 4511-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 a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on JUL 14 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 Coastal Development Permit No. 250308 and Site Development Permit No. 250310:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE  
[SDMC] SECTION 126.0708**

**1. Findings for all Coastal Development Permits:**

**a. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan.** The proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The 14,987 square foot project site is currently developed with an existing twelve unit apartment building constructed in 1951 and subject property has been fully disturbed by this existing development. This project proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The proposed residential development is designed to be contained within the existing legal lot area (two lots to be consolidated by the associated Tentative Map), which will not encroach upon any existing or proposed physical access to the coast. The project site is not located along the First Public Roadway. The project site is located along the west side of La Jolla Boulevard, which is not identified within the La Jolla/La Jolla Shores Local Coastal Program as being adjacent to or containing a public view. Staff has analyzed the proposed new condominium structure and concluded that the structure does not

impact any of the identified public views and the project as design was found to be in conformance with the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated within a well established, fully developed multi-family residential area of La Jolla. The proposed new residential condominium developed meets the development setbacks and height limit required by the underlying zone and the proposed development will not negatively impact any identified public view.

**b. The proposed coastal development will not adversely affect environmentally sensitive lands.** The 14,987 square foot project site is currently developed with a twelve unit apartment building, and does not contain any form of environmentally sensitive lands, except for the potential of buried archaeological or paleontological resources. The development proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontology. A Mitigated Negative Declaration No. 80161 was prepared in accordance with the CEQA. The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontology, to reduce the potential impacts to a level below significance. Thus, with the implementation of Mitigation Monitoring and Reporting Program [MMRP] the proposed project should not adversely affect environmentally sensitive lands. The project's permit also includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. The project proposes approximately 3,000 cubic yards of cut grading for the foundation and subterranean garage of the residential structure, located primarily within the area of the existing apartment building which was previously disturbed, and will not result or propose any further encroachment into Environmentally Sensitive Lands.

**c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The proposed development is to demolish an existing twelve unit apartment building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The project is located on a site which has a Medium Density Multi-Family Residential land use designation by the La Jolla Community Plan. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontology. A Mitigated Negative Declaration No. 80161 was prepared in accordance with the CEQA. The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontology, to reduce the potential impacts to a level below significance. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of Zone 5 of the La Jolla Planned District and Coastal Overlay Zone. The project site is located along the west side of La Jolla Boulevard, which is not identified within the La Jolla/La Jolla Shores Local Coastal Program as being adjacent to or containing a public view. Staff has analyzed the proposed new condominium structure and concluded that the structure does not impact any of the identified public views and the project as design was found to be in conformance with the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated within a well established, fully developed multi-family residential area of La Jolla. The

proposed redeveloped as an eight residential dwelling unit condominium building meets the development setbacks and height limit required by the underlying zone and the proposed development will not negatively impact any identified public view. Due to these factors the proposed condominium development was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the certified Local Coastal Program Land Use Plan and General Plan.

**d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The 14,987 square foot site, currently developed with an existing twelve unit apartment building, is located within a well developed multi-family residential area of La Jolla approximately three blocks from the coastline. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the residential re-development of this site. The proposed eight dwelling unit condominium project is designed to take access off the existing public streets, with adequate off street parking. The existing character and pedestrian design of the streets and public walkways will be improved or remain unaltered.

**A. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The project proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The project is located on a site which has a Medium Density Multi-Family Residential (15-30 dwelling units per acre) land use designation by the La Jolla Community Plan. The existing street improvements along with the proposed development, its associated site improvements, and corresponding development intensity comply with the development regulations, standards, and policies in effect for the project site per the La Jolla Planned District Ordinance, the La Jolla Community Plan, the La Jolla/La Jolla Shores Local Coastal Plan, the underlying Zone 5 of the La Jolla Planned District, and all other City regulations, policies, guidelines, design standards and adopted land use applicable to this site. The use as an eight dwelling unit residential condominium is a permitted use by the Zone 5 of the La Jolla Planned District as a permanent use with the approval of a Site Development Permit. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the La Jolla Community Plan relevant land use intensity and site design.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The permit for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code in effect for this site to assure that the project will not adversely affect the

health, safety and general welfare of the persons residing or working in the area. These conditions include a requirement to submit and comply with a Water Pollution Control Plan, a requirement to maintain a minimum of eighteen off-street parking spaces and control of exterior lighting.

The project's permit includes a condition requiring compliance with the State Water Resources Control Board and the Municipal Storm Water Permit by the City Engineer in order to meet the City's Storm Water Standards during construction of this facility. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontology. A Mitigated Negative Declaration No. 80161 was prepared in accordance with the CEQA. The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontology, to reduce the potential impacts to a level below significance. The environmental review included analysis of public health, safety and welfare. There were no significant impacts were identified for public health, safety and welfare by the Mitigated Negative Declaration. The continued use of this site for a multi-family residential use is consistent with the existing character of the surrounding area and the medium density multi-family residential land use designation of the La Jolla Community Plan and therefore, the project will not be detrimental to the public health, safety and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code.** The project proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The project is located on a site which has a Medium Density Multi-Family Residential land use designation by the La Jolla Community Plan. The existing street improvements along with the proposed development, its associated site improvements, and corresponding development intensity comply with the development regulations, standards, and policies in effect for the project site per the La Jolla Planned District Ordinance, the La Jolla Community Plan, the La Jolla/La Jolla Shores Local Coastal Plan, the underlying Zone 5 of the La Jolla Planned District, and all other City regulations, policies, guidelines, design standards and adopted land use applicable to this site. The use as an eight dwelling unit multi-family residential condominium is a permitted use by the Zone 5 of the La Jolla Planned District. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the La Jolla Community Plan relevant land use density and site design.

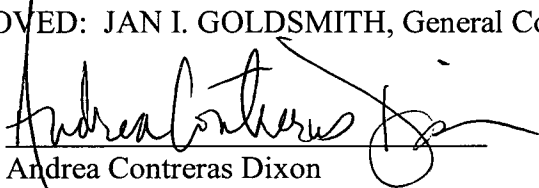
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, Coastal Development Permit No. 250308 and Site Development Permit No. 250310 is granted to Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and

Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Owners/Permittees,  
under the terms and conditions as set forth in the attached permit which is made a part of this  
resolution.

APPROVED: JAN I. GOLDSMITH, General Counsel

By

  
Andrea Contreras Dixon  
Deputy City Attorney

ACD:cw:pev  
06/29/09  
07/01/09 COR.COPY  
Or.Dept:DSD  
R-2009-1356  
MMS#9728

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5012

**COASTAL DEVELOPMENT PERMIT NO. 250308**  
**AND SITE DEVELOPMENT PERMIT NO. 250310**  
**LA JOLLA CONDOMINIUMS - PROJECT NO. 80161 (MMRP)**  
**CITY COUNCIL**

This Coastal Development Permit No. 250308 and Site Development Permit No. 250310 is granted by the City Council of the City of San Diego to Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0502. The 0.344 acre site is located at 7570 La Jolla Boulevard in Zone 5 of the La Jolla Planned District, Coastal (non-appealable), Coastal Height Limit, Transit, and Beach Parking Impact Overlay Zones within the La Jolla Community Plan area. The project site is legally described as portion of Lots 17 and 18, Block 15, La Jolla Park Addition, Map No. 352.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing apartment building and construct a three-story, eight residential dwelling unit condominium building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUL 14 2009 on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing apartment building and construction of a three-story, eight dwelling unit residential condominium structure to total approximately 19,795 square feet of gross floor area on a 0.344-acre property;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking (subterranean parking garage with eighteen parking spaces); 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, 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 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.

10. 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.

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. 80161, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, No. 80161, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

**Historical Resources (Archaeology) and Paleontology**

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 building permit issuance, the Coastal Housing Replacement in-lieu fee, calculated at \$111,200 shall be paid to the Housing Commission, subject to the satisfaction of the Development Services Department.

**ENGINEERING REQUIREMENTS:**

17. The Coastal Development Permit and Site Development Permit shall comply with the conditions of the final map for La Jolla Condominiums Tentative Map No. 644820.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance, satisfactory to the City Engineer.

19. 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.

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

21. 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.

22. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

23. Prior to the issuance of any building permit, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of the receipt

of public stormwater runoff from the La Jolla Boulevard right-of-way, satisfactory to the City Engineer.

24. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of a 20' wide City Standard driveway and replacement of the cracked/uplifted portions of sidewalk, maintaining the existing scoring pattern and preserving any contractor's stamp, adjacent to the site on La Jolla Boulevard, satisfactory to the City Engineer.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the brick pavers in the La Jolla Boulevard right-of-way.

26. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway curb cut and replacement of all existing curb with City Standard full height curb and gutter, adjacent to site on La Jolla Boulevard, satisfactory to the City Engineer.

27. The drainage system proposed for this development is private and subject to approval by the City Engineer.

28. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the realignment of the existing 60" RCP storm drain pipe, satisfactory to the City Engineer.

29. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of the proposed 60" RCP storm drain line with water-tight joints and 1 standard and 1 modified A-8 storm drain cleanout. The modified A-8 storm drain cleanout shall be constructed with an intermediate landing platform, satisfactory to the City Engineer.

30. Prior to the issuance of any construction permits, the Owner/Permittee shall grant a storm drain easement along the easterly property line, sufficient to provide a 10' clearance from the edge of the proposed storm drain to the edge of the easement, and a 20' wide easement along the proposed storm drain adjacent to the southerly property line.

31. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement [EMRA] for the private storm drain lines, drain inlets, paved walkways, driveway, bicycle racks, and landscaping within the storm drain easement.

32. Prior to the issuance of any construction permits, the Owner/Permittee shall dedicate additional right-of-way at the southeasterly portion of the site to maintain the 14' curb to property line distance along La Jolla Boulevard.

33. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior

easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

34. This project proposes to export 3,450 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 [LDC] section 141.0620(i).

**LANDSCAPE REQUIREMENTS:**

35. 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."

36. 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 take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

37. 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 Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

38. 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 Development Plan. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

39. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

40. 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.

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

42. 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 Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

43. No fewer than eighteen off-street parking spaces 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 Development Services Department.

44. 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.

45. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

46. 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.

47. Provide energy efficiency and renewable energy technologies during construction, or, make such technologies available to prospective buyers through marketing materials within the sales office. Examples of acceptable technologies include but are not limited to: solar generation for electricity & hot water, 'energy star' rated appliances, and use of compact fluorescent light bulbs. Copies of the marketing materials shall be provided to the City Manager prior to issuance of building permit.

**TRANSPORTATION REQUIREMENTS**

48. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

**WASTEWATER REQUIREMENTS:**

49. Prior to the issuance of any building permits, the owner/permittee 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. The access roads shall be surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.

50. No structures or landscaping that would inhibit access shall be installed in or over any sewer access easement.

51. No approved structures or landscaping, including private utilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

52. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

53. Prior to the issuance of any engineering or building permits, the owner/permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.

54. The owner/permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

55. 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:**

56. 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 Water Department Director and the City Engineer.

57. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

58. 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 Water Department Director and the City Engineer.

59. 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 shall be modified at final engineering to comply with standards.

**GEOLOGY REQUIREMENT:**

60. Additional geotechnical review will be required as part of the ministerial permit issuance process when a building or grading permit is required for this project.

**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 §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 JUL 14 2009 by  
Resolution No. R- 305096.

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.

VICTOR CHAN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

LONIO CHAN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

HONG RONG CHEN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

RU LIEN CHEN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_



YUN LONG CHEN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

YA CHIN CHEN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

GRACE LAI,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

CHI SHIANG CHEN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

WAN YU CHEN,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

SHEN SHO TSENG,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

WAN SUN TSENG,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

HAISIN LEE,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

WANSHU LEE,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

ALBERT Y. C. HONG,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

JIH HING HONG,  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04