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RESOLUTION NUMBER R-

DATE OF FINAL PASSAGE ~~\_\_\_\_\_~~ **FEB 09 2011**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
RESCINDING CITY RESOLUTIONS R-304264, R-304265 AND 4427-PC  
FOR PROJECT 87287 AND RESCINDING ASSOCIATED DISCRETIONARY  
PROJECT APPROVALS.

WHEREAS on October 14, 2008, the City Council for the City of San Diego (City) adopted and approved Resolutions R-304264 and R-304265 for Project 87287 (Project); and

WHEREAS on September 8, 2010, the Superior Court of the State of California issued a Peremptory Writ (Writ), a copy of which is attached hereto as Exhibit "A," commanding the City to set aside and declare invalid Mitigated Negative Declaration No. 87287 and all discretionary permits granted for the Project;

NOW THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego:

1. City Resolutions R-304264 and R-304265 and 4427-PC for the Project are hereby rescinded;
2. Mitigated Negative Declaration No 87287 for the Project is hereby declared invalid and ordered set aside;
3. The grant of the following discretionary Project approvals set forth in Document # 2008-0641259, recorded by the San Diego County Recorder's Office on December 17, 2008, a copy of which is attached hereto as Exhibit "B," are hereby ordered set aside:
  - (a) Coastal Development Permit No. 277553;
  - (b) Planned Development Permit No. 546450;
  - (c) Site Development Permit No. 2979442;

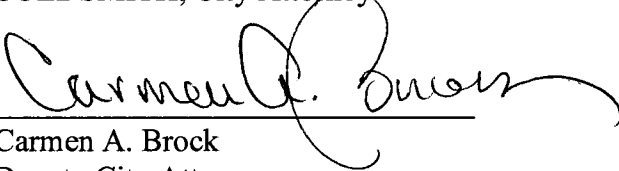
(d) Tentative Map No. 361919.

4. All other contract provisions related to the Project set forth in Document #2008-0641259, including but not limited to the indemnity provisions found in Paragraph 10, which do not grant a permit for the Project shall survive this rescission and shall remain in full force and effect.

APPROVED AS TO FORM:

JAN I. GOLDSMITH, City Attorney

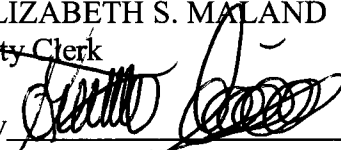
By

  
Carmen A. Brock  
Deputy City Attorney

CAB:mc  
R-2011-519

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 1 2011.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2-9-11  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**EXHIBIT "A"**

COPY TO: CITY ATTORNEY 09/22/10

RISK MANAGEMENT ✓

DATE 09/22/10

DCC NAME AW

RECEIVED  
CLERK'S OFFICE

10 SEP 22 AM 8:53

SAN DIEGO, CALIF.

RECEIVED BY: MAIL  
OTC ✓  
DPT. NAME

67

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CENTRAL DIVISION

LA JOLLA VILLAGE RESIDENTS	)	GENERAL CIVIL (CEQA)
ASSOCIATION, a California Nonprofit Public	)	CASE NO. 37-2008-00095903-CU-TT-CTL
Benefit Corporation,	)	
	)	<del>PROPOSED</del> PEREMPTORY WRIT OF
Petitioner,	)	MANDAMUS
	)	
vs.	)	
	)	
CITY OF SAN DIEGO, a California municipal	)	
corporation; CITY COUNCIL OF THE CITY OF	)	
SAN DIEGO, the governing body of the CITY OF	)	
SAN DIEGO, and DOES 1 through 10, inclusive,	)	
	)	
Respondents,	)	
	)	Dept.: 71
MARK LYON AND ASSOCIATES, a business	)	Judge: Hon. Ronald S. Prager
entity form unknown; RK DEVELOPMENT	)	Filing Date of Action: November 17, 2008
PARTNERS, a business entity form unknown;	)	Trial Date: October 26, 2009
MICHAEL KRAMBS, an individual and DOES 11	)	
through 20,	)	
	)	
Real Parties in Interest	)	

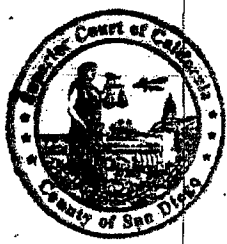
1 TO: CITY OF SAN DIEGO and CITY COUNCIL OF THE CITY OF SAN DIEGO, Respondents:  
2 Judgment having been entered in this action ordering that a Peremptory Writ of Mandamus be  
3 issued from this Court,

4 YOU ARE COMMANDED immediately on receipt of this writ to set aside and declare to be  
5 invalid the Mitigated Negative Declaration ("MND") and all discretionary project approvals for the Bird  
6 Rock Station Project (Project 87287) ("Project") certified by the City on October 14, 2008, which  
7 proceedings are hereby remanded to you, to reconsider your action in light of this court's judgment, and  
8 to take any further action specially enjoined on you by law; but nothing in this writ shall limit or control  
9 the discretion legally vested in you.

10 YOU ARE FURTHER COMMANDED to make and file a return to this writ on or before  
11 December 31, 2010, setting forth what you have done to comply.

12 Dated: 9/17, 2010

14 MICHAEL RODDY, Clerk  
15 By: [Signature], Deputy Clerk  
16 B.A. WILLIAMS



17 LET THE FOREGOING WRIT ISSUE.

18 DATED: SEP 08 2010

18 RONALD S. PRAGER  
19 HON. RONALD S. PRAGER  
20 Judge of the Superior Court

**EXHIBIT "B"**



DEC 17, 2008 12:00 PM

3405

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 76.00

PAGES: 23



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

WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A

*Handwritten initials/signature*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 425482

COASTAL DEVELOPMENT PERMIT NO. 277553  
SITE DEVELOPMENT PERMIT NO. 279442  
PLANNED DEVELOPMENT PERMIT NO. 546450  
**BIRD ROCK MIXED USE**  
CITY COUNCIL  
[MMRP]

*I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.*  
ELIZABETH S. MALAND, City Clerk  
By *Elizabeth S. Maland*, Deputy  
Dated *11.17.2010*

This Coastal Development Permit/Site Development Permit/Planned Development Permit is granted by the City Council of the City of San Diego to MICHAEL AND OLGA KRAMBS, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 143.0401 and 143.0301. The 0.37-acre, vacant site is located at 5702 La Jolla Boulevard, in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The project site is legally described as Lots 16, 17, 18 and 19 in Block 17 of Bird Rock City by the Sea, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 975, filed in the Office of the County Recorder of San Diego County, March 13, 1906. Excepting the interest, if any, of the City of San Diego, as granted by Deed recorded August 14, 1908, in Book 444, Page 364 of Deeds in and to the Easterly 10 feet of said land.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to consolidate four lots into one lot and to construct a mixed use project of 11 residential units and seven commercial units totaling 20,507 square feet on a 16,080 square-foot (0.37-acre) site with deviations to number of stories and parking lot access. The development is described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 14, 2008, on file in the Development Services Department.

The project shall include:

- a. A mixed-use development consisting of seven commercial units totaling 9,127 square feet located on the first level, 11 residential units totaling 11,380 square

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feet located on the second and third levels, and two levels of subterranean parking totaling 20,507 square feet;

- b. A deviation to Section 159.0307 D (2) of the Land Development Code, Property Development Regulations, which indicates that structures located in Zone 4 of the La Jolla Planned District shall be limited to containing a maximum of two stories. The project deviates from that requirement by including three stories into the proposed development;
- c. A deviation to Section 142.0560(j)(7) of the Land Development Code, requiring parking access to be taken from the abutting alley. The project deviates from that requirement by taking access from Bird Rock Avenue;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Accessory improvements determined by the Development Services Department 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 (36) 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 Owners/Permittees 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 Development Services Department.
- 4. This Permit is a covenant running with the subject property and shall be binding upon the Owners/Permittees and any successor or successors, and the interests of any

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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 Owners/Permittees 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 Owners/Permittees shall secure all necessary building permits. The Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees 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 applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this

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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:**

11. 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

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 87287, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owners/Permittees shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration No. 87287, satisfactory to the Development Services Department and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources and Transportation

14. Prior to issuance of any construction permit, the Owners/Permittees 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.

**ENGINEERING REQUIREMENTS:**

15. This permit shall comply with all conditions of Tentative Map No. 361919.

**LANDSCAPE REQUIREMENTS:**

16. 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" on file in the Office of the Development Services Department.

17. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be

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submitted to the City Manager for approval. Improvement plans shall take into account a 40 square-foot 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.

18. 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, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

19. 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, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

20. 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.

21. 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.

22. 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.

23. 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 30 days of damage or Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

24. All loading and unloading activities in the alleyway shall occur only between the hours of 7 AM and 7 PM.

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25. No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to and integrated with the main building architectural design.
26. Prior to the issuance of building permits, plans which clearly demonstrate compliance with the Building Surface Materials and Coloring Standards of the La Jolla Planned District shall be submitted and approved by the Development Services Department.
27. Prior to the issuance of building permits, the permittee shall obtain an Encroachment Permit for all awnings proposed to project over the public right-of-way, pursuant to SDMC Sec. 159.0307.
28. No fewer than 36 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.
29. 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.
30. The Owners/Permittees shall, for the residential units, make available information on energy efficient appliances and technology in marketing materials and within sales offices in order to promote energy savings, and alternative energy technologies to be incorporated in the residences during construction.
31. The Owners/Permittees shall provide a minimum 7-foot high landscape screening at the rear of the second floor common deck area to visually screen deck users from the adjacent neighbors across the alley to the west of the project site.

**TRANSPORTATION REQUIRMENTS:**

32. The applicant shall provide and maintain a minimum of 36 parking spaces on site at all times.
33. The applicant shall dedicate and improve an additional two feet, six inches (2.5) along the project's frontage of the alley, satisfactory to the City Engineer.
34. The applicant shall construct pedestrian ramps at both east and west sides of the alley entrance, satisfactory to the City Engineer.

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35. The applicant shall coordinate the proposed project with the City Capital Improvement Project (CIP 52-7170) for the proposed improvements of the La Jolla Boulevard.
36. Prior to issuance of any building permit, the applicant shall install traffic signal at the intersection of La Jolla Boulevard and Forward Street if the intersection has not been converted to turnabout, satisfactory to the City Engineer.
37. No obstacles higher than 36 inches will be located in the visibility area. All driveways and curb openings shall be a minimum of three feet from any obstruction, i.e. poles, hydrants, etc.
38. The applicant shall close all un-utilized driveways along La Jolla Boulevard and Bird Rock Avenue with standard height of curb, gutter and sidewalk.
39. Prior to issuance of any building permits, the applicant should provide a fair-share contribution for the proposed roundabout at the intersection of La Jolla Boulevard and Bird rock Avenue, satisfactory to the City Engineer.
40. The applicant shall apply for Encroachment Maintenance and Removal Agreement for the non-conforming location of the proposed driveway along Bird Rock Avenue.
41. The applicant shall apply for deviation for the non-standard driveway on Bird Rock Avenue.
42. 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.

**WATER REQUIREMENTS:**

43. Prior to the issuance of any building permits the Owners/Permittees shall assure, by permit and bond, the design and construction of new water services, outside of any driveway or drive aisle, and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
44. Prior to the issuance of any building permits, the Owners/Permittees shall apply for a plumbing permit for the installation of the appropriate backflow prevention devices 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 Control Group in the Customer Support Division of the Water Department.

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45. All on-site water facilities shall be private including domestic, fire and irrigation systems.
46. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including water services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
47. The Owners/Permittees 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.

#### WASTEWATER REQUIREMENTS

48. Prior to the issuance of any engineering or building permits, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on site private sewer mains that serve more than one ownership.
49. 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.
50. 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.

#### 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 October 14, 2008 by  
Resolution No. R- 304265 ..

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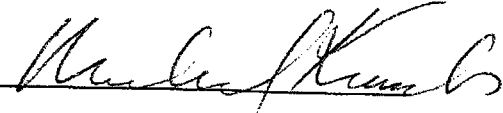
AUTHENTICATED BY THE CITY MANAGER

MIKE WESTLAKE, PROGRAM MANAGER

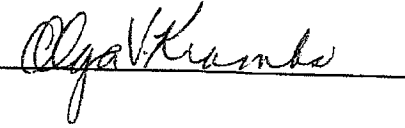
By   
~~MIKE WESTLAKE, PROGRAM MANAGER~~  
CITY OF SAN DIEGO, DEVELOPMENT SERVICES

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.

Michael Krambs  
Owner/Permittee

By 

Olga V. Krambs  
Owner/Permittee

By 

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

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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Diego

On December 11, 2008 before me, Raquel Herrera, Notary Public

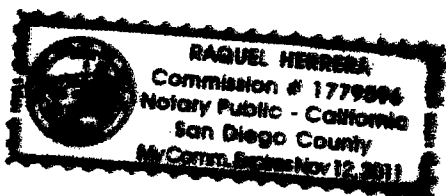
personally appeared Michael Krambs and Olga V. Krambs

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Raquel Herrera



Place Notary Seal Above

Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Bird Rock Mixed Use - Project Number 87287

Document Date: October 14, 2008

Number of Pages: 21

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

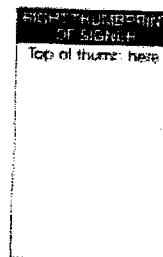
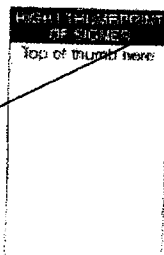
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



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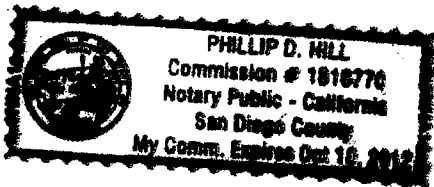
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Diego

On DECEMBER 12, 2008 before me, Phillip D. Hill, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared MIKE WESTLAKE  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s); or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Phillip D. Hill  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: CDP 277553; SDP 279442; PDP 546450 BIRD ROCK MIXED USE

Document Date: OCTOBER 14, 2008 Number of Pages: 9

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

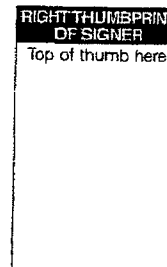
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

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