

RESOLUTION NUMBER R- 307847

DATE OF FINAL PASSAGE NOV 26 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING PLANNED DEVELOPMENT
PERMIT NO. 931743 FOR CASA MIRA VIEW II –
PROJECT NO. 264497.

WHEREAS, Garden Communities RP, LLC, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit to construct 319 residential condominium units within one building with four-story and five-story elements, wrapped around a six-level parking garage totaling approximately 554,846 square feet, known as the Casa Mira View II project, located at 11005 Westview Parkway, intersection of Westview Parkway and Galvin Avenue, and legally described as the East 10 acres of the North 25 acres of the Northeast Quarter of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the official plat thereof; excepting there from the North 60 feet thereof lying within the California State Highway II-SD-15; also excepting there from portion deeded to San Diego Unified School District by deed recorded June 13, 1990, as Document No. 1990-321211; also excepting there from portion taken by City of San Diego by condemnation recorded April 17, 1992, as Document No. 1992-224216; also excepting there from portion deeded to United States of America by deed recorded January 9, 1995, as File No. 1995-10140, in the Mira Mesa Community Plan area, in the RM-1-1 zone which is proposed to be rezoned to the RM-3-8 zone; and

WHEREAS, on October 4, 2012, the Planning Commission of the City of San Diego considered Planned Development Permit No. 931743, and pursuant to Resolution No. 4842-PC, voted 6-0, with Commissioner Lydon absent, to recommend approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on November 26, 2012, 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.931743:

PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed project is located within the Residential Land Use of the Mira Mesa Community Plan and is designated Low-medium density (10-15 dwelling units/net acre). The low-medium density allows for multifamily development in the form of duplexes, townhomes and low-scale apartments. The project proposes a redesignation from low-medium density (10-15 dwelling units/net acre) to medium-high density (30-45 dwelling units/net acre). The medium-high density consists of relatively large parcels that offer wide latitude in site design and building type. The medium-high density is proposed for sites that are convenient to freeways, major streets, public transit, commercial services and recreational services. The project's proposed 319 residential units are consistent in density and intensity with the Casa Mira View project, which is immediately north of the project site and is currently under construction. The project will increase the supply of housing in the community that will be located within walking distance of transit, shopping and employment opportunities. Therefore, the proposed project will not adversely affect the Mira Mesa Community Plan Area.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project will construct all necessary sewer and water facilities to serve the occupants of the development. The project will incorporate construction Best Management Practices (BMP) necessary to comply with Chapter 14 Article 2, Division 1 of the San Diego Municipal Code. The project will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards. The project will enter into a Maintenance Agreement for ongoing permanent BMP maintenance. The project will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ and Amended by Order No. 2010-0014-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code requirements will be met with the proposed project. 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 including any proposed deviations pursuant to Section 126.0602(b)(1) that 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; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Planned Development Permit No. 931743. The project proposes a total of four (4) deviations from the Land Development Code. These deviations provide for a more desirable project.

A deviation is being requested for the maximum height of the proposed structures. The maximum height proposed within the project is isolated at several locations at 79 feet above finished grade, where 50 feet is otherwise allowed. While the elevation of the flat roofs for the five story building portions is much closer to the 50 foot requirement, the requested height deviation allows for greater flexibility for the design of the roofline and provides an opportunity to increase the area of open space being provided. While the entire project meets all but one of the required setback requirements, the increase in allowable building height enables the project to greatly exceed the setback requirements in several locations.

A deviation is being requested to use less than 33% of the project's allowable Floor Area Ratio (FAR) for structured parking. The efficiency of the proposed "wrap" style architecture results in structured parking that takes up less than 33% of the allowable FAR. Wrap style architecture has the buildings surrounding an interior parking structure that is not visible from outside the development. The project proposes to use 31.6% of the available FAR for structured parking. The FAR being utilized for all remaining buildings is 79.8% of the allowable FAR, where a maximum of 66.7% is otherwise allowed.

A deviation is being requested to permit a variable height retaining wall, ranging from 0 feet to a maximum of 16 feet, within the south side yard setback, where 6 feet is the allowable

maximum retaining wall height. The proposed retaining wall will exceed the maximum height allowed within the side yard setback as well as the maximum height of the retaining wall. The proposed retaining wall will not be visible to the public and will essentially act as a continuation of the existing 15 foot maximum height retaining wall on the adjacent property.

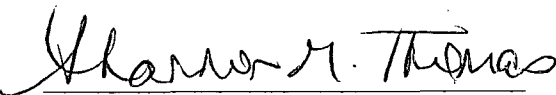
A deviation is being requested to reduce the south side yard setback from 80'-4" to 34'-4." The proposed project is one parcel and the side yard setback requirement is the larger of 5 feet or 10% of the overall width of the parcel. Since the project is one parcel, the required side yard setback is 80'-4." Reducing the south side yard setback to 34'-4" allows the north setback distance to increase to approximately 270 feet. This larger north setback enables the proposed project to provide access to the existing project located adjacent to and east of the site. This larger north setback also allows for the proposed project to provide a private park site at the north end of the project site.

As a result, the proposed project conforms with the overall policies and regulations of the City of San Diego and represents a desirable project for the site and the Mira Mesa 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. 931743 is granted to Garden Communities RP, LLC, 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 M. Thomas
Deputy City Attorney

SMT:als
10/11/12
10/25/12 COR.COPY
Or.Dept:DSD
Doc. No.: 451936_2

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

INTERNAL ORDER NUMBER: 24002341

PLANNED DEVELOPMENT PERMIT NO. 931743
CASA MIRA VIEW II - PROJECT NO. 264497 MMRP
CITY COUNCIL

This Planned Development Permit No. 931743 is granted by the City Council of the City of San Diego to Garden Communities RP, LLC, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0604. The vacant 7.09 -acre site is located at 11005 Westview Parkway, intersection of Westview Parkway and Galvin Avenue, in the RM-1-1 Zone, proposed to be rezoned to the RM-3-8 Zone, Airport Influence Overlay Zone (Review Area 2 - MCAS Miramar), MCAS Miramar Overflight Notification area, FAA Part 77 Noticing Area, Cost Reimbursement District (Mesa Shopping Center East), Residential Tandem Parking Overlay Zone, within the Mira Mesa Community Plan Area. The project site is legally described as: The East 10 acres of the North 25 acres of the Northeast Quarter of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, According to the official plat thereof. Excepting therefrom the North 60 feet thereof lying within the California State Highway II-SD-15. Also excepting therefrom portion deeded to San Diego Unified School District by deed recorded June 13, 1990, as Document No. 1990-321211. Also excepting therefrom portion taken by City of San Diego by condemnation recorded April 17, 1992, as Document No. 1992-224216. Also excepting therefrom portion deeded to United States of America by deed recorded January 9, 1995, as File No. 1995-10140.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 319 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project shall include:

- a. Construction of 319 residential condominium units within one building wrapped around a six-level parking garage totaling approximately 554,846 square feet;
- b. A deviation for the maximum height of the structure. The project proposes a maximum height of 79 feet where the zone allows 50 feet maximum.
- c. A deviation for a re-allocation of Floor Area Ratio (FAR) for parking and non-parking use - 79.8 percent of FAR allocated toward non-parking use where code allows 2/3 of 2.25 FAR for non-parking use.
- d. A deviation for the south side setback of 34'- 4" where 80'-4" minimum is required.
- e. A deviation for a maximum 16' height retaining wall in south side setback where 6' maximum is allowed.
- f. Landscaping (planting, irrigation and landscape related improvements);
- g. Off-street parking;
- h. A privately owned and maintained park located in the northern portion of the site; and
- i. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by November 26, 2015.
2. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

3. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. 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.).
6. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
7. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
8. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

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

Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

11. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration (MND) No. 264497 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration (MND) No. 264497 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Transportation – Circulation/Parking

Paleontological Resources

13. The Owner/Permittee shall provide a private shuttle service connecting the project to existing shopping opportunities at Mira Mesa Marketplace Center and transit connections on Mira Mesa Boulevard and Black Mountain Road. This shuttle service would have two stops on the project site and would be limited to residents and guests of the development.

14. The Owner/Permittee shall provide RideLink information bulletin boards in central locations, encouraging alternative transportation programs and/or public transit available to the area.

15. The Owner/Permittee shall provide a Transportation Demand Management (TDM) association and/or coordinator to ensure that the latest bus schedules have been posted and to provide information on carpooling and ridesharing.

16. The Owner/Permittee shall send an annual RideLink/transit newsletter to residents.

AFFORDABLE HOUSING REQUIREMENTS:

17. The Owner/Permittee has elected to process the project through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program, which program is available to an Owner/Permittee only on a voluntary basis. Accordingly, prior to receiving the first residential building permit, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by providing evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") previously approved by the City Council of the City of San Diego, demonstrating that the Owner/Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.0303(f) because the Owner/Permittee is receiving specific regulatory incentives and/or concessions from a public agency that result in identifiable, financially sufficient, and actual project cost reductions, including but not limited to expedited permit processing provided through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program and/or the approval of a deviation, waiver or reduction of development standards or regulations (collectively referred to as "development incentives") and because the Owner/Permittee has voluntarily restricted the 32 rental units at 65% of AMI for a period of 55 years in exchange for such development incentives, as provided for within Part IV of the Procedures Manual.

AIRPORT REQUIREMENT:

18. Prior to issuance of first residential building permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

ENGINEERING REQUIREMENTS:

19. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the construction of a 26-foot wide City standard driveway, on Westview Parkway for emergency access, per Standard Drawing G-14A, G-16 and SDG-100, satisfactory to the City Engineer.

20. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the construction of City standard curb ramps with truncated domes, at the project main entrance on Westview Parkway, satisfactory to the City Engineer.

21. Prior to the issuance of the first residential building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drains, removable art sculpture, landscape and irrigation located within the City's right-of-way and City's easement, satisfactory to the City Engineer.

22. The Planned Development Permit shall comply with the conditions of the Vesting Tentative Map No. 931745.

GEOLOGY REQUIREMENTS:

23. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

24. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PARK AND RECREATION REQUIREMENTS:

25. As a means of satisfying the population-based park requirement for the 213 units above the pre-existing Mira Mesa Community Plan build out projections, the Owner/Permittee shall be responsible for FBA fees on all 319 units.

LANDSCAPE REQUIREMENTS:

26. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

27. Prior to issuance of the first residential building permit, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department 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.

28. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee 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.

29. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

30. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual; Landscape Standards 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.

31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

32. 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.

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

34. 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.

35. Prior to issuance of construction permits, the Owner/Permittee shall include a representative of the Environmental Services Department (ESD) and owner/representative to attend preconstruction meetings to ensure that:

- An appropriate destination for soils has been identified;
- An appropriate destination for concrete and asphalt has been identified;
- Grubbed material is separated and taken to Miramar Landfill Greenery;
- Contract documents have recycling specifications included;
- A solid waste coordinator has been identified;
- An appropriate number of bins are provided with appropriate signage;
- Bins are appropriately used and contamination levels are minimized;
- The C&D Ordinance deposit has been paid;
- An appropriate diversion rate has been included on the deposit form (the WMP specifies 100%, but 90% will be used for this purpose); and
- Materials are being taken to the appropriate facility.

36. Prior to final inspection or issuance of any Certificate of Occupancy the Owner/Permittee shall contact a representative of the Environmental Services Department to schedule an appointment to:

- Inspect and approve a storage area that has been provided consistent with the City's Storage Ordinance;
- Ensure that a hauler has been retained to provide recyclable materials collection and yard waste collection; and
- Inspect and approve the education materials for building tenants/owners that are required pursuant to the City's Recycling Ordinance.

TRANSPORTATION REQUIREMENTS

37. A minimum of 664 (722 provided) automobile spaces (including 7 standard accessible spaces and 1 van accessible space for residents), 87 spaces for guests including 4 accessible spaces (1 van), 32 motorcycle spaces, and 148 bicycle spaces with rack(s) and 3 loading/unloading areas are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

38. Prior to issuance of the first residential building permit, the Owner/Permittee shall provide a shared access agreement with Casa Mira View in regard to the main access off Westview Parkway at Galvin Avenue.

39. Prior to issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the modification of the existing traffic signal at the intersection of Westview Parkway and Galvin Avenue to add the project entrance as a fourth leg, satisfactory to the City Engineer.

40. Prior to issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the construction of pedestrian ramps at the intersection of Westview Parkway and the project's main entrance, satisfactory to the City Engineer.

41. Prior to issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the construction of 26' wide right-in/right-out driveway on Westview Parkway for emergency access only at the south end of the project, satisfactory to the City Engineer.

42. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the installation of a raised median along the project's frontage on Westview Parkway from the Ralph's shopping center Driveway to Galvin Avenue, satisfactory to the City Engineer.

43. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal at the intersection of Westview Parkway and Ralph's shopping center Driveway.

44. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the widening of the driveway at Ralph's Shopping Center to include two eastbound lanes at Westview Parkway, satisfactory to the City Engineer.

PUBLIC UTILITIES REQUIREMENTS:

45. The Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

46. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

47. The Owner/Permittee shall assure, by permit and bond the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of Public Utilities and the City Engineer. All irrigation systems must be designed to utilize reclaimed water.

48. The Owner/Permittee shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the sewer easement, including but not limited to structures, enhanced paving, or landscaping; No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

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

50. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities, if required shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

51. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, if required in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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 November 26, 2012, and Resolution No. _____.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Laura C. Black, AICP
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Garden Communities RP, LLC
Owner/Permittee

By _____
Stuart Posnock
Manager/Member

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

15 OCT 26 2012
RECEIVED