

RESOLUTION NUMBER R- 308011  
DATE OF FINAL PASSAGE FEB 26 2013

ITEM #331  
2/26/13  
SUB-D

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
DIEGO APPROVING CONDITIONAL USE PERMIT NO.  
1070497 FOR VILLAGE AT ZION – PROJECT NO. 266702.

WHEREAS, George Harb, Owner, and Fore Property Company, Permittee, filed an application with the City of San Diego for a Conditional Use Permit (Permit) to construct a 71,305 square foot, 60 unit, two-story, above subterranean parking, for-rent senior housing facility, known as the Village at Zion project, located at 5150 Zion Avenue, and legally described as Parcel B of Parcel Map No. 1381, in the Navajo Community Plan area, in the RS-1-7 zone, proposed to be rezoned to the RM-3-7 zone; and

WHEREAS, on January 17, 2013, the Planning Commission of the City of San Diego considered Project No. 266702, and pursuant to Resolution No.4865-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, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is 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 February 26, 2013, 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 Conditional Use Permit No. 1070497:

**I. CONDITIONAL USE PERMIT - SDMC SECTION 126.0305**

**1. The proposed *development* will not adversely affect the applicable *land use plan*.** The site is currently designated for single family use within the Navajo Community Plan. On November 3, 2011, the Planning Commission unanimously initiated an amendment to the Navajo Community Plan to designate the site for multi-family residential use. The project is requesting a rezone from the current RS-1-7 zone to the RM-3-7 zone to allow for multi-family residential development on the project site. With the community plan amendment and rezone approval by City Council, the site designation will be consistent with the Navajo Community Plan and underlying zone.

The General Plan's Land Use & Community Planning Element contains policy direction for implementing the City of Villages strategy, provides citywide land use policies and designations, and establishes community plans as integral components of the General Plan. The Element includes goals for balanced communities, equitable development, and environmental justice. A goal is to have diverse and balanced communities with a variety of housing. The Element relies on community plans for site-specific land use and density designations and recommendations.

The Residential Element of the Navajo Community Plan provides several objectives for residential development within the community. These include promoting balanced and distinct communities which encompass a variety of residential density patterns and housing types, the assurance that any individual or family may be free to choose accommodations within their economic capacity and a continuation of community support for programs that would increase the economic ability of the disadvantaged to obtain adequate housing.

The proposed development implements the goals and policies of the General Plan and Navajo Community Plan by: (1) providing affordable housing for seniors in an area lacking economically feasible accommodations for many low-income elderly people; (2) providing a unique type of housing with dwelling unit density in the high to medium-high range; (3) increase the economic ability of the disadvantaged group of low-income seniors to obtain adequate housing; (4) implementing federally assisted housing programs; and (5) creating a residential development which provides a mix of people with various economic and social characteristics. Therefore, the proposed development is consistent with the General Plan and Navajo Community Plan and will not adversely affect the applicable land use plan.

**2. The proposed *development* will not be detrimental to the public health, safety, and welfare.** The proposed project is to develop a vacant, remnant lot within the Allied Gardens neighborhood into a transit-oriented residential development for low-income senior citizens. The project site is walking distance to a transit stop and station, shopping, medical services, a community center, library and churches. The proposed development will have ample landscaping with a meandering pedestrian path. The project will incorporate sustainable design features and streetscape improvements. The proposed development is compatible with the surrounding uses.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code requirements will be met with the proposed development. Therefore, the proposed project will not be detrimental to the public health, safety and welfare.

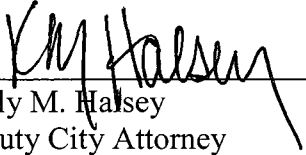
**3. The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Conditional Use Permit No. 1070497. Consistent with the Land Development Code, the Affordable Housing Density Bonus will be utilized to gain additional density from the RM-3-7 zone. The project will be allowed to build a maximum of 60 residential units with the affordable housing density bonus, while the RM-3-7 zone allows a maximum of 50 residential units in the zone. The project includes no requests for deviations. The proposed project conforms with the overall policies and regulations of the City of San Diego. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

**4. The proposed use is appropriate at the proposed location.** The project site is surrounded by residential development, a community center, a park, a library and a commercial area within the Allied Gardens neighborhood of the Navajo Community. The proposed low-income senior residential development will be transit-oriented and adjacent to several bus stops as well as within walking distance to the Allied Gardens/Benjamin Branch public library, the Allied Gardens Community Park, Recreation Center and Swimming Pool, the Allied Gardens commercial shopping center and several nearby churches. The proposed development will provide affordable housing options for senior citizens in an area currently lacking economically feasible accommodations for this disadvantaged group. The proposed project use is appropriate at the proposed location.

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 Conditional Use Permit No. 1070497 is granted to George Harb, Owner, and Fore Property Company, Permittee, under the terms and conditions set forth in the permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
Keely M. Halsey  
Deputy City Attorney

KMH:als  
02/08/13  
02/15/13 COR.COPY  
Or.Dept:DSD  
Doc. No.: 504718\_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: 24002401

**CONDITIONAL USE PERMIT No. 1070497**  
**VILLAGE AT ZION, PROJECT NO. 266702 [MMRP]**  
**City Council**

This Conditional Use Permit is granted by the City Council of the City of San Diego to George Harb, Owner, and Fore Property Company, Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0305. The 1.21-acre site is located at 5150 Zion Avenue in the RS-1-7 Zone (proposed to be rezoned to the RM-3-7 zone), Airport Land Use Compatibility Overlay Zone, Airport Influence Area (Review Area 2) Overlay Zone, the FAA Part 77 Notification Overlay Zone, Montgomery Field Overflight Notification Area Overlay Zone, and in Subarea C of the Grantville Redevelopment Project Area, within the Navajo Community Plan Area. The project site is legally described as: Parcel B of Parcel Map No. 1381.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a two-story, above subterranean parking, for-rent affordable senior housing building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 26, 2013, on file in the Development Services Department.

The project shall include:

- a. Construction of a 71,305 square foot, 60 unit, affordable, two-story, above subterranean parking, residential building;
- b. Off-street parking;
- c. Incorporation of sustainable building techniques sufficient to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification; and
- d. Landscaping (planting, irrigation and landscape related improvements);

- e. 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 February 26, 2016.
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. 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.
4. 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.
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 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.

8. 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.
9. 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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. Additional Mitigation Measures identified in the Environmental Assessment (EA) prepared in accordance with the National Environmental Policy Act (NEPA) shall apply to this permit. These MMRP and EA conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 266702 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 266702, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP and EA 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:

**Paleontological Resources**

**Noise**

Additional mitigation measures identified in the EA shall be implemented for the following issue areas:

**Soil Suitability**

**Vegetation and Wildlife**

**AFFORDABLE HOUSING REQUIREMENTS:**

14. 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 performing one of the following, at the Owner’s/Permittee’s sole election, as and to the extent permitted by applicable law.

- a. Payment to the City of San Diego of the full Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations; or
- b. Provide 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”) 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 142.1303(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 (“development incentives”) and because the Owner/Permittee is voluntarily restricting rental units in exchange for such development incentives, as provided for within Part IV of the Procedures Manual; or



- c. Provide 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") 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 142.1303(g) because the Owner/Permittee is voluntarily pursuing and receiving tax credits, multifamily housing bonds, below market interest rate government agency loans, and/or grants to facilitate the construction of the development.

**AIRPORT REQUIREMENTS:**

15. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration (FAA) notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

**ENGINEERING REQUIREMENTS:**

16. The project proposes to export 2675 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

17. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

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

19. Prior to the issuance of the first residential building permit, Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlet in the Zion Avenue Right-of-Way.

20. Prior to the issuance of the first residential building permit, Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 25 foot wide driveway, adjacent to the site on Glenroy Street, satisfactory to the City Engineer.

21. Prior to the issuance of the first residential building permit, Owner/Permittee shall assure, by permit and bond, to reconstruct the existing curb ramp at the northwest corner of Zion Avenue and Glenroy Street, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes, satisfactory to the City Engineer.

22. Prior to the issuance of the first residential building permit, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, Owner/Permittee shall assure, by permit and bond to install a new street light adjacent to the site on Glenroy Street.
23. Prior to the issuance of any construction permit, Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
24. Prior to the issuance of any construction permit, Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
25. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and the San Diego Regional Water Quality Control Board (SDRWQCB) Order No. R9-2007-001, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-0009-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009-DWQ.
26. Prior to the issuance of any construction permit, Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

#### **LANDSCAPE REQUIREMENTS:**

27. Prior to issuance of any construction permit for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
28. Prior to issuance of the first residential building permit, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted 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. Construction plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees.

29. Prior to issuance of any Certificate of Occupancy, Owner/Permittee shall 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.

30. All required landscape, including in the right-of-way, shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

**PLANNING/DESIGN REQUIREMENTS:**

31. The project shall provide all 60 units as affordable for low income senior citizens, meaning at rents that do not exceed 30 percent of 60 percent San Diego area median income and that are available to persons 55 years of age or older, for a term of at least 55 years, which the Owner/Permittee shall memorialize in an agreement with the San Diego Housing Commission that complies with the requirements of the SDMC.

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. Prior to the issuance of the first residential building permit, construction documents shall fully illustrate the incorporation of sustainable building techniques sufficient to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification.

34. 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 Construction and Demolition Debris Diversion Deposit Program has been paid;
- An appropriate diversion rate has been included on the deposit form and
- Materials are being taken to the appropriate facility.

35. 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 SDMC Section 142.0805;
  - 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.
36. Prior to conversion of this project to a non-senior housing use, the project shall demonstrate compliance with the parking requirements applicable at the time of conversion.
37. The facility shall have an on-site manager or shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.
38. Prior to issuance of the first residential building permit, construction drawings shall show that the facility will provide trash chutes on each floor. If no chutes are provided, the facility shall offer valet trash service to its residences. The trash service shall provide daily trash collection and shall not permit any accumulation of trash in the hallways or any other common areas.
39. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.
40. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### **TRANSPORTATION REQUIREMENTS:**

41. A minimum of 60 automobile spaces (including a standard accessible space and 1 van accessible space), 6 motorcycle spaces, and 25 bicycle spaces with rack(s) shall be provided on the project site. 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.
42. Prior to the issuance of the first residential building permit, Owner/Permittee shall assure, by permit and bond, the improvement of the nearby bus stop facilities with improved seating areas and overhangs.
43. Prior to building occupancy, Owner/Permittee shall grant an Irrevocable Offer of Dedication of 18 feet along the project's frontage on Zion Avenue.
44. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

45. The Owner/Permittee shall provide a 25 foot visibility triangle area along the property line at the northwest corner of the intersection of Zion Avenue and Glenroy Street. No obstacles higher than 36" shall be located within the visibility area.
46. The Owner/Permittee shall provide a 10 foot visibility triangle area along the property line on both sides of the driveway on Glenroy Street. No obstacles higher than 36 inches shall be located within the visibility area.
47. Prior to the issuance of the first residential building permit, Owner/Permittee shall assure, by permit and bond, the construction of a 25 foot wide driveway on Glenroy Street, satisfactory to the City Engineer.
48. Prior to the issuance of the first residential building permit, Owner/Permittee shall assure, by permit and bond, the closure of the under-utilized driveway on Zion Avenue and replace with standard height, curb, gutter and sidewalk, satisfactory to the City Engineer.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

49. Prior to the issuance of the first residential building permit, 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.
50. Prior to the issuance of the first residential building permit, 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.
51. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
52. The Owner/Permittee shall design and construct all proposed public water and sewer facilities 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 February 26, 2013, and Resolution No. R-308011.

Conditional Use Permit No. 1070497  
Date of Approval: February 26, 2013

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.**

By \_\_\_\_\_  
George Harb  
Owner

**FORE PROPERTY COMPANY**  
Permittee

By \_\_\_\_\_  
Lee Novak  
Vice President of Development  
Western Region

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

R- 308011