

RESOLUTION NUMBER R- 310346

DATE OF FINAL PASSAGE APR 11 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE COASTAL DEVELOPMENT PERMIT NO. 1267875 FOR SANTA BARBARA PLACE RESIDENCES – PROJECT NO. 361595.

WHEREAS, SANTA BARBARA PLACE MB9, LLC, a Delaware Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a Coastal Development Permit (CDP) to demolish an existing 4,922 square foot educational building and to construct three (3) three-story residential buildings comprised as fourplexes on the six legal lots. The project proposes a total of 12 units ranging from 1,265 to 1,345 square feet and all of the units are comprised of three bedrooms and three bathrooms, and associated site improvements; (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1267875), on portions of a 0.34 acre parcel of land; and

WHEREAS, the project site is located at 825 Santa Barbara Place in the R-S Zone of the Mission Beach Planned District within the Mission Beach Precise Plan and Local Coastal Program Area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone; and

WHEREAS, the property is legally described as: Lots D, E, F, G, H, and I in Block 107 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914; and

WHEREAS, on January 21, 2016, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 1267875 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, the Planning Commission approved the Coastal Development Permit; and

WHEREAS, the approval was appealed to the City Council; and

WHEREAS, on April 11, 2016, the City Council of the City of San Diego considered Coastal Development Permit No. 1267875 pursuant to the Land Development Code of the City of San Diego; 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it denies the appeal and adopts the following findings to Coastal Development Permit No. 1267875:

**COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0708(A)**

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The 0.34 acre project site is located at 825 Santa Barbara Place in the R-S Zone of the Mission Beach Planned District (MBPD) within the Mission Beach Precise Plan (MBPP) and Local Coastal Program (LCP) area. The project proposes the demolition of the 4,922 square foot educational building and the construction of three (3) three-story residential buildings comprised as fourplexes on the six legal lots. The project proposes a total of 12 units ranging from 1,265 to 1,345 square feet and all of the units are comprised of three bedrooms and three bathrooms. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption, in conformance with the criteria of the

Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. In addition, the project would contain sustainable building design measures to meet a Leadership in Energy and Environmental Design (LEED) Silver certification and sustainability measures. In addition, the project incorporates many sustainable features in accordance with the City's General Plan Conservation Element.

The project site is located approximately 200 feet west of Mission Bay and approximately 480 feet east of the Pacific Ocean, and is not located between the sea and the first public roadway paralleling the sea. The project site does not abut the shoreline of Mission Bay or the Pacific Ocean and therefore would not alter or obstruct public views of these scenic resources. The project site is surrounded by residential development with no identified public viewing area, vista, view corridor, or otherwise significant public views within the Mission Beach Precise Plan.

The project proposes a maximum building height of 29 feet 11 inches, so the building and any projections will not exceed the maximum 30 foot height limit allowed by the Coastal Height Limitation Overlay Zone (CHLOZ). The project is not requesting nor does it require any deviations or variances from the applicable regulations and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development has been designed to meet the development regulations of the underlying zone and protect any public views to and along the ocean and other scenic coastal areas as specified in the LCP land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project proposes the demolition of the 4,922 square foot educational building and the construction of three (3) three-story residential buildings comprised as fourplexes on the six legal lots. The project proposes a total of 12 units ranging from 1,265 to 1,345 square feet and all of the units are comprised of three bedrooms and three bathrooms. The project site is located approximately 200 feet west of Mission Bay and approximately 480 feet east of the Pacific Ocean, and is not located between the sea and the first public roadway paralleling the sea. The project site is located above the 100-year floodplain and is not located within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The site does not contain any Environmentally Sensitive Lands (ESL) as defined in San Diego Municipal Code (SDMC) Section 113.0103.

A Master Environmental Impact Report (MEIR) No. 366139/SCH No. 2014081097 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines. The project was found to have potential significant impacts to Noise, Health and Safety, Historical Resources (Archaeology), Transportation/Circulation and Parking (Combined Project), and Land Use (Combined Project). A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project. However, construction noise was the only topic identified as being significant and unavoidable for each project individually and combined. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision maker to adopt the project with significant and unmitigated direct impacts related to Noise (Construction). Therefore, the proposed coastal development would not adversely affect ESL.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The project site is located at 825 Santa Barbara Place in the R-S Zone of the MBPD within the MBPP and LCP area. The R-S zoning designation allows for single family dwelling units, duplexes (two dwelling units in a single structure) and multiple dwelling units (restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots). The community plan designates the proposed project site for Residential use at 36 dwelling units per acre (du/ac). The project site, occupying 0.34 acres, could accommodate 12 dwelling units based on the community plan. The project site is comprised of six legal lots and could accommodate three, four unit buildings based on the underlying zone.

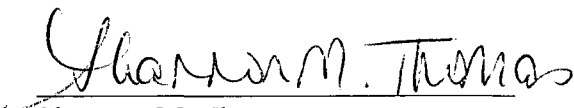
The project proposes the demolition of the 4,922 square foot educational building and the construction of three (3) three-story residential buildings comprised as fourplexes on the six legal lots. The project proposes a total of 12 units ranging from 1,265 to 1,345 square feet and all of the units are comprised of three bedrooms and three bathrooms. The project site is located approximately 200 feet west of Mission Bay and approximately 480 feet east of the Pacific Ocean, and is not located between the sea and the first public roadway paralleling the sea. The project site does not abut the shoreline of Mission Bay or the Pacific Ocean and therefore would not alter or obstruct public views of these scenic resources. The project site is surrounded by residential development with no identified public viewing area, vista, view corridor, or otherwise significant public views within the MBPP.

The project proposes a maximum building height of 29 feet 11 inches, so the building and any projections will not exceed the maximum 30 foot height limit allowed by the CHLOZ. The project is not requesting nor does it require any deviations or variances from the applicable regulations and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development is in conformity with the certified LCP land use plan and complies with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The 0.34 acre project site is located at 825 Santa Barbara Place. The project site is located approximately 200 feet west of Mission Bay and approximately 480 feet east of the Pacific Ocean, and is not located between the sea and the first public roadway paralleling the sea. Therefore, the proposed development does not have to comply with the public access and recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Coastal Development Permit No. 1267875 is hereby granted to SANTA BARBARA PLACE MB9, LLC, Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1267875, a copy of which is attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
04/15/2016
Or.Dept:DSD
Doc. No.: 1264738

ATTACHMENT: Coastal Development Permit No. 1267875

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004495

COASTAL DEVELOPMENT PERMIT NO. 1267875
SANTA BARBARA PLACE RESIDENCES - PROJECT NO. 361595 [MMRP]
CITY COUNCIL

This Coastal Development Permit No. 1267875 is granted by the City Council of the City of San Diego to SANTA BARBARA PLACE MB9, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0708. The 0.34-acre site is located at 825 Santa Barbara Place in the R-S Zone of the Mission Beach Planned District within the Mission Beach Precise Plan and Local Coastal Program Area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project site is legally described as: Lots D, E, F, G, H, and I in Block 107 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing educational structure and to construct three (3) three-story residential buildings with a total of 12 residential units, and associated improvements; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated APR 11 2016, on file in the Development Services Department.

The project shall include:

- a. Demolition of the 4,922 square foot educational building and construction of three (3) three-story residential buildings comprised as fourplexes on the six legal lots. The project proposes a total of 12 units ranging from 1,265 to 1,345 square feet and all of the units are comprised of three bedrooms and three bathrooms, and associated site improvements;

- b. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. In addition, the project would contain sustainable building design measures to meet a Leadership in Energy and Environmental Design (LEED) Silver certification;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- 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 APR 11 2017.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. 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.

5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.
9. 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.
10. 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.

11. 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:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Master Environmental Impact Report (MEIR) No. 366139/SCH No. 2014081097, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Master Environmental Impact Report (MEIR) No. 366139/SCH No. 2014081097, 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:

- Noise
- Health and Safety
- Historical Resources (Archaeology)
- Transportation/Circulation and Parking (Combined Project)
- Land Use (Combined Project)

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

GEOLOGY REQUIREMENTS:

16. 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 Development Services prior to the issuance of any construction permit.

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, along the project frontage on Mission Boulevard, satisfactory to the City Engineer.
18. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with the same scoring pattern as the City standard sidewalk, along the project frontage on Mission Boulevard, satisfactory to the City Engineer.
19. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramp with City standard curb ramp with truncated domes, located on the south side of the alley entrance on Mission Boulevard adjacent to the project site, satisfactory to the City Engineer.
20. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the damaged alley apron with City standard alley apron, at the alley entrance on Mission Boulevard, satisfactory to the City Engineer.
21. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing alley with a 16-foot wide City standard alley along the project frontage, satisfactory to the City Engineer.
22. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of Santa Barbara Place with 24-foot wide concrete pavement along the project frontage, satisfactory to the City Engineer.
23. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
25. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
27. Prior to the issuance of any foundation inspection, the Owner/Permittee shall submit an building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor,

certifying the pad elevation based on USGS datum is consistent with Exhibit "A," satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Mission Beach Planned District Ordinance [LDC 1513.0402] and 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.

29. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension 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.

30. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including 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. 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.

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 shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

PLANNING/DESIGN REQUIREMENTS:

32. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption.

33. Prior to issuance of building permits, the construction documents shall note all criteria included in the design and construction of the project to meet a Leadership in Energy and Environmental Design (LEED) Silver Certification.

34. 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.

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

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

37. 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:

38. Owner/Permittee shall maintain a minimum of 24 off-street parking spaces (two-tandem garaged parking spaces per unit) permanently maintained on the property within the approximate location shown on the project's Exhibit "A." 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 authorized by the appropriate City decision maker in accordance with the SDMC.

39. Prior to the issuance of any construction permit, the construction documents shall fully illustrate a 10 foot x 10 foot visibility triangle area at the northeast corner of the intersection of Mission Boulevard and the alley along the property line. No obstacles higher than 36 inches shall be located within this area (e.g. landscape, hardscape, walls, columns, signs, shrubs etc.).

40. Prior to the issuance of any construction permit, the construction documents shall fully illustrate a 20 foot x 20 foot visibility triangle area at the southeast corner of the intersection of Mission Boulevard and Santa Barbara Place along the property line per LDC Section 113.0273. No obstacles higher than 36 inches shall be located within this area (e.g. landscape, hardscape, walls, columns, signs, shrubs etc.).

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

41. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new public water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director, the City Engineer.

42. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPDs), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

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

44. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities sufficient to support the subject units shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

45. The Owner/Permittee shall design and construct all proposed public water 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:

- 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 APR 11 2016, and Resolution No. R-310346.

Permit Type/PTS Approval No.: CDP No. 1267875
Date of Approval APR 11 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
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.

**SANTA BARBARA PLACE MB9, LLC, a
Delaware Limited Liability Company**
Owner/Permittee

By _____
Name:
Title:

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

Passed by the Council of The City of San Diego on APR 11 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 11 2016.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310346