

**CORRECTED COPY**

(R-92-1798 COR. COPY)

04/18/97

**RESOLUTION NUMBER R- 279903**

**ADOPTED ON MAY 5, 1992**

WHEREAS, Dave Odell and Melinda Merryweather appealed the decision of the Planning Commission in granting Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 90-0747 (San Diego Museum of Contemporary Art) submitted by the San Diego Museum of Contemporary Art, Owner/Permittee, for the renovation of the existing museum, an addition of 7,555-square feet of accessory space and the building of a six-foot-high security fence surrounding the sculpture garden, located at 700 Prospect Street and described as part of Block 35 of La Jolla Park per R.O. S. Map No. 963, in the La Jolla Community Plan area, in the La Jolla Planned District Ordinance Zone 6A; and

WHEREAS, the matter was set for public hearing on May 5, 1992; and

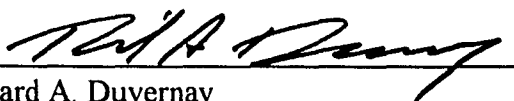
WHEREAS, the appeal was withdrawn just prior to the Council hearing; NOW,

THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council hereby accepts the withdrawal of the appeal of Dave Odell and Melinda Merryweather; therefore, the decision of the Planning Commission on February 27, 1992, adopted by Planning Commission Resolution No. 0976, granting Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 90-0747 (San Diego Museum of Contemporary Art)

submitted by the San Diego Museum of Contemporary Art, Owner/Permittee, is sustained, a copy  
the permit is attached hereto as Exhibit A.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

FCC:RAD:lc:jb  
06/25/92  
04/18/97 COR.COPY  
R-92-1798  
Form-r.permit

RECEIVED  
CITY CLERK'S OFFICE

97 APR 29 PM 12: 23

SAN DIEGO, CALIF.

Recording requested by  
Call # to: Permit Intake  
City of San Diego  
Planning Department  
102 C Street, M.S. 4C  
San Diego, CA 92101-3864

NOTE: COUNTY RECORDER, PLEASE RECORD AS  
RESTRICTION ON USE OR DEVELOPMENT OF  
REAL PROPERTY AFFECTING THE TITLE TO  
OR POSSESSION THEREOF.

COASTAL DEVELOPMENT PERMIT/LA JOLLA PLANNED DISTRICT PERMIT/  
SPECIAL USE PERMIT NO. 90-0747  
SAN DIEGO MUSEUM OF CONTEMPORARY ART  
PLANNING COMMISSION

This Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit is granted by the Planning Commission of the City of San Diego to SAN DIEGO MUSEUM OF CONTEMPORARY ART, Owner/Permittee, pursuant to Section 105.0201 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to renovate the existing museum located at 700 Prospect Street, described as part of Block 35 of La Jolla Park per R.O.S. Map No. 963, in the La Jolla Planned District Zone 6.
2. The facility shall consist of the following:
  - a. Renovate the existing museum, add 7,555-square-feet of usable space and a security fence (six-foot-high, wrought iron fence, setback 15 feet from property line on Coast Boulevard);
  - b. Landscaping;
  - c. Off-street parking; and
  - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than 24 off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated February 27, 1992, on file in the office of the Planning Department. Parking spaces shall comply with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the permit to the Planning Department; and
  - b. The Coastal Development Permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director

**EXHIBIT A**

the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The Plans shall be in substantial conformity to Exhibit "A," dated February 27, 1992, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

7. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

8. This Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

9. This Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

10. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

11. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The owner/permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

12. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

13. The north end of the proposed cafe shall recess five feet southward to preserve the existing public view corridor toward the ocean.

14. The gate of the fence on Coast Blvd. to remain open during normal museum business hours.

15. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of pedestrian ramps on Prospect Street opposite from the corners of Silverado Street and at Draper Street and at the corner of Coast Boulevard and Coast Boulevard South, adjacent to this site, in a manner satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the removal of the drainage grate and high curb along the frontage on Prospect Street at the intersection with Draper Street, in a manner satisfactory to the City Engineer.

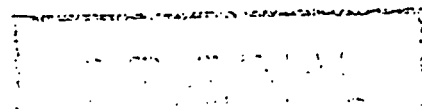
17. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Post indicator valves, Fire Department connections, and alarm bell are to be located on the address/access side of the structure (UFC 10.301).

18. Unless appealed this Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action.

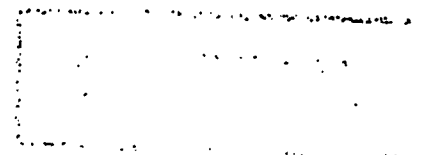
19. This Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 90-0747 must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.

20. This Coastal Development Permit incorporates La Jolla Planned District Permit and Special Use Permit. The Coastal Development Permit/La Jolla Planned District Permit and Special Use Permit shall not be valid until the Coastal Development Permit becomes effective.



21. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Planning Commission of the City of San Diego on February 27, 1992.



PLANNING COMMISSION RESOLUTION NO. 0976  
COASTAL DEVELOPMENT PERMIT/LA JOLLA PLANNED DISTRICT PERMIT/  
SPECIAL USE PERMIT NO. 90-0747

WHEREAS, SAN DIEGO MUSEUM OF CONTEMPORARY ART, Owner/Permittee, filed an application for a Coastal Development Permit Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit to develop subject property located at 700 Prospect Street, described as part of Block 35 of La Jolla Park R.O.S Map No. 963, in the La Jolla Planned District Ordinance-Zone 6; and

WHEREAS, on February 27, 1992, the Planning Commission of the City of San Diego considered Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 90-0747 pursuant to Section 105.0200 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopts the following written findings, dated February 27, 1992.

COASTAL DEVELOPMENT PERMIT FINDINGS:

- a. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points, if the proposed project complies with the permit Condition No. 13.
- b. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.
- c. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.
- d. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.
- e. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.




- f. The proposed development does not alter the natural landforms therefore, it will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.
- g. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.
- h. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

LA JOLLA PLANNED DISTRICT PERMIT FINDINGS:

- a. The project is consistent with the purpose and intent of the La Jolla Planned District, it implements the goals and objectives of the adopted La Jolla Community Plan, the La Jolla - La Jolla Shores Local Coastal Program and the Progress Guide and General Plan of the City of San Diego.
- b. The project is consistent with the property and building development regulations of the La Jolla Planned District Zone 6 and applicable City-wide Zoning Ordinances.
- c. The project is consistent with all of the standards of the La Jolla Planned District Ordinance.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 90-0747 is hereby GRANTED to San Diego Museum of Contemporary Art, Owner/Permittee, in the form and with the terms and conditions as set forth in Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 90-0747, a copy of which is attached hereto and made a part hereof.

  
Jean Cameron  
Senior Planner

Adopted on: February 27, 1992

Passed and adopted by the Council of The City of San Diego on May 5, 1992,  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-279903 May 5, 1992  
Number ..... Adopted .....