

RESOLUTION NUMBER R-288071

ADOPTED ON NOVEMBER 19, 1996

WHEREAS, Boulders, LLC, Owner/Permittee, filed an application for a Coastal Development Permit/Sensitive Coastal Resource Permit/Variance to develop the subject property located at 1535 Coast Walk within the La Jolla Community Plan, described as Lots 3, 4, and 5, excepting therefrom the southwesterly ten feet of Lot 5, together with Lots 15 and 16, in the R1-5000 Zone; and

WHEREAS, on November 19, 1996, the Council of The City of San Diego considered Coastal Development Permit/Sensitive Coastal Resource Permit/Variance No. 96-0138 pursuant to San Diego Municipal Code sections 111.1205, 101.0480 and 101.0502; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Coastal Development Permit/Sensitive Coastal Resource Permit/Variance No. 96-0138:

**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.

The project site is not located on any existing public accessways nor will it interfere with any view corridors as identified in the La Jolla Community Plan and Local Coastal Program (LCP) Addendum. The project site is located adjacent to Coast Walk, a dedicated right-of-way between Coast Boulevard and Cave Street. Coast Walk is also a bluff top trail and scenic overlook. Coastal bluffs adjacent to the

walk are extremely steep and no vertical access to the shoreline exists. The development would occur on private property and would not impact these resources.

**B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.**

The proposed project would occur on developed lots within an urbanized area of La Jolla. Although the development is located near a coastal bluff, the development would not encroach on or adversely affect these resources. The development will be set back a minimum of 40 feet from the top-of-bluff. Coast Walk, a public right-of-way, is located between the bluff top and the project site. Drainage shall be collected and directed with a City drainage system.

As identified within Mitigated Negative Declaration No. 96-0138, the project site is within one-half mile of a mapped archaeological site (SDI-39), the Spindrift site. An archaeological survey and assessment of the subject property was conducted in April, 1996 by Gallegos and Associates. The survey revealed that the results of the backhoe trenching within the project area are negative for conclusive evidence of prehistoric human activity on-site. Therefore, the potential for archaeological impacts would be insignificant.

In addition, the site is underlain by the Bay Point and Point Loma formations which have a high probability of containing important paleontological resources. The project proposes to grade 3,200 cubic yards of earth (2,600 cubic yards of cut and fill and 600 cubic yards of fill) which has the potential to significantly impact these resources. The applicant has agreed to a monitoring program which would mitigate potential paleontological impacts to a level below significance. The mitigation program includes a monitoring, salvaging, preparation, and a monitoring results report. These measures are outlined in the Mitigation Monitoring and Reporting Program of Mitigated Negative Declaration No. 96-0138 and have been incorporated into the permit conditions.

**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.**

As identified within Mitigated Negative Declaration No. 96-0138, these resources would not be affected.

**D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.**

The project is located within the beach impact area of the coastal zone. Adequate parking is provided on-site for this use and no parking would be removed. The proposed project would not adversely affect these 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.**

Project development would occur on private property. The project development would not adversely impact environmentally sensitive habitats or scenic resources located in adjacent parks and recreation areas. All drainage shall be collected and directed into a street drainage system. In addition, the project would be setback a minimum of 40 feet from the top-of-bluff.

**F. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

As discussed in Mitigated Negative Declaration No. 96-0138, the project site has geological hazard ratings of 53 and 43, unfavorable geologic structure, low to moderate risk and is generally unstable. A site specific geologic reconnaissance study was prepared and submitted with the project as required by the Sensitive Coastal Resource Ordinance. The report concluded that the average bluff-top recession is approximately one inch per year in the Coast Walk area. This is based on a study of aerial photographs dating from 1928 to the present. The proposed dwellings would be setback a sufficient distance from the bluff-top and would not be threatened for the anticipated lifespan of the structures (assumed to be 75 years). Routing of final foundation and structural plans by the City's Development Services Department would ensure conformance with the recommendations provided in the geologic reconnaissance report. These measures would reduce any potential geological hazards to below a level of significance.

The project also proposes to grade 3,200 cubic yards of earth (2,600 cubic yards of cut and fill and 600 cubic yards of fill), on approximately .53 acres. Site sections reveal that a portion of the proposed grading for the project would be for garage and basement excavation. The residences have been sensitively designed to mimic the existing landform and would not create any potentially significant impacts to landform

alteration. In addition, no erosional, flood or fire hazards were identified.

- 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.**

The proposal to construct three single-family residences on three lots would be compatible with the land uses and densities within the surrounding single-family residential neighborhood. The proposed development is located in an urbanized residential neighborhood with a mixture of size, styles, and designs. The proposed development is similar in scale and design to existing development in the area. The project would be improved with landscaping to enhance the development as well as the neighborhood. The project would be visually compatible with the character of the surrounding area.

- H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.**

The proposed development complies with the La Jolla Community Plan, the General Plan, La Jolla LCP land use plan, and all the requirements of the Local Coastal Program. The requested variances are consistent with the character of the existing neighborhood.

**SENSITIVE COASTAL RESOURCE FINDINGS:**

- A. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED AND CONSTRUCTED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS UPON SENSITIVE COASTAL RESOURCES AND ENVIRONMENTALLY SENSITIVE AREAS.**

As outlined above in Sections A through E of the Coastal Findings, the project will be sited, designed and constructed to minimize impacts upon sensitive coastal resources and environmentally sensitive areas. The project would occur on developed property within an urbanized area of La Jolla. Although, the development is adjacent to the ocean shoreline, the development would not encroach on or adversely affect these resources. The development will retain the 40-foot setback area from the upper termination of the coastal bluff consistent with the development requirements of the Sensitive Coastal Resource Ordinance, San Diego Municipal Code section 101.0461.

- B. 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 COMMUNITY PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE PINTS.**

As outlined in Finding A of the Coastal Findings, the project will not encroach upon any public accessways, nor will it obstruct views of scenic coastal resources from public vantage points, as identified in the La Jolla Community Plan and Local Coastal (LCP) Addendum.

- C. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

All drainage will be collected into a public drainage system. According to Mitigated Negative Declaration No. 96-0138, the site is not located in a flood and fire hazard area.

- D. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE SAND SUPPLY.**

A geotechnical report has been reviewed and approved by the Development Services Department which indicates that the project will not contribute to the erosion of public beaches nor will it impact local shoreline sand supply.

- E. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE GENERAL PLAN, THE LOCAL COASTAL PROGRAMS, OR ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.**

The project conforms with all applicable plans, programs and policies (also see Section H of Coastal Findings).

**VARIANCE FINDINGS:**

- A. THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS APPLYING TO THE LAND OR BUILDINGS FOR WHICH THE ADJUSTMENT IS SOUGHT, WHICH CIRCUMSTANCES OR CONDITIONS ARE PECULIAR TO SUCH LAND OR BUILDINGS AND DO NOT APPLY GENERALLY TO THE LAND OR BUILDINGS IN THE NEIGHBORHOOD. SUCH CONDITIONS SHALL NOT HAVE RESULTED FROM ANY ACT OF THE APPLICANT SUBSEQUENT TO THE ADOPTION OF THE APPLICABLE ZONING ORDINANCE.**

The subject property was previously subdivided into five lots, with three lots fronting on Coast Walk and two lots fronting on Torrey Pines Road. Legal access to Torrey Pines Road has since been removed due to traffic considerations and grade separation. The property has sufficient area to support three lots. However, the inability to use Torrey Pines Road for access will not allow for conventional lot configuration for all three proposed lots. Two of the lots proposed by this map

meet all design regulations of the adopted R1-5000 Zone. The third lot proposed by this map meets the required lot area of the R1-5000 zone but proposes a lot depth of 60 feet, where not less than 95 feet is required in the zone.

Due to the irregular shape of Lot "C," and the constraints of the existing topography, a six-foot entrance stairway is proposed within the front yard setback. The stairs would be located below the City's existing retaining wall on Torrey Pines Road and therefore, would not be visible from the street.

The lot would also be accessed via a private easement, where direct access to a street is required. The private easement proposed to access the third lot exists and is already in use by other property owners in this block. The access easement runs parallel to Torrey Pines Road and is improved. The third lot within this map is proposed to be turned sideways to Torrey Pines Road and to the other two lots within the map to take advantage of the access easement. If the third lot dimensions were considered with this orientation in mind, the lot would meet the minimum lot depth requirement of the zone.

- B. THE AFORESAID CIRCUMSTANCES OR CONDITIONS ARE SUCH THAT THE STRICT APPLICATION OF THE PROVISIONS OF THE ORDINANCE WOULD DEPRIVE THE APPLICANT OF THE REASONABLE USE OF THE LAND OR BUILDINGS AND THAT THE VARIANCE GRANTED BY THE CITY IS THE MINIMUM VARIANCE GRANTED BY THE CITY IS THE MINIMUM VARIANCE THAT WILL ACCOMPLISH THIS PURPOSE.**

Strict application of the lot dimension and access regulations would deny the applicant use of the property that other property owners in this area are already enjoying. Properties on both sides of Torrey Pines Road in this area have unconventional shapes and rely upon private easement access to public streets because of restricted access to Torrey Pines Road. Approval of this map would be consistent with the established pattern.

- C. THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING REGULATIONS AND WILL NOT BE INJURIOUS TO THE NEIGHBORHOOD OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE.**

It is the intent of the ordinance to assure access to each developed lot and to provide for lot design standards that will allow for reasonable development of each lot. In this case, an existing easement exists to provide access to the third lot and continued use of the easement would be assured through a document recorded with the County Recorder. The third lot would have conventional size and dimensions required of lots in the underlying R1-5000 zone, but would be turned sideways to utilize the access easement. The stairway proposed within the front yard is considered minor

and reasonable due to the topographical constraints of the land. These variances have been considered under the provisions of the City's Zoning Ordinance and are viewed as fulfilling the purpose and intent of the zoning regulations, and with conditions imposed, are not seen as injurious to the neighborhood.

**D. THE GRANTING OF THE VARIANCE WILL NOT ADVERSELY AFFECT THE PROGRESS GUIDE AND GENERAL PLAN FOR THE CITY OF SAN DIEGO OR THE ADOPTED COMMUNITY PLAN FOR THE AREA.**


The granting of this variance will not adversely affect the Progress Guide and General Plan for the City of San Diego or the La Jolla Community Plan. Due to use and intended siting of the proposed building on the lot, the property will be utilized in a manner identical to that envisioned by the ordinance. This will result in a project that conforms with the intent and goals of all plans in effect.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Coastal Development Permit/Sensitive Coastal Resource Permit/Variance No. 96-0138 is hereby granted to Boulders, LLC, Owner/Permittee, in the form and with the terms and conditions as set forth in Coastal Development Permit/Sensitive Coastal Resource Permit/Variance No. 96-0138, a copy of which is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
12/19/96  
Or.Dept:Clerk  
R-97-670  
Form=r.permit

**RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT**

**AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT/SENSITIVE COASTAL RESOURCE  
PERMIT/VARIANCE NO. 96-0138  
BOULDERS COAST WALK  
CITY COUNCIL  
[REVISED]**


This Coastal Development Permit is granted by the Council of the City of San Diego to BOULDERS, LLC, Owner/Permittee, pursuant to Sections 111.1205, 101.0480 and 101.0502 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to demolish an existing single-family house, abandon an existing slope easement located on the south side of the project site, construct three single-family residential homes (one on each proposed new lot), and associated site improvements as described in this permit, and illustrated on Exhibit "A," dated November 19, 1996. The project site is located at 1535 Coast Walk in the La Jolla Community (Lots 3, 4 and 5, excepting therefrom the southwesterly ten feet of Lot 5, together with Lots 15 and 16, Block 46, La Jolla Park, Map 352), in the R1-5000 Zone.

2. The permit shall include the following facilities and site improvements as identified on Exhibits "A," dated November 19, 1996, on file in the office of the Development Services Department:

a. Lot "A" (approximately 9,584 square feet): One single-family residence with attached three-car garage consisting of 5,729 square feet, for a total floor area ratio of .60;

Lot "B" (approximately 8,826 square feet): One single-family residence with attached three-car garage consisting of 5,247 square feet, for a total floor area ratio of .60; and

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Lot "C" (approximately 5,001 square feet): One single-family residence with attached three-car carport (one tandem space counting as two spaces) consisting of 3,000 square feet, for a total floor area ratio of .60;

- b. Landscaping, walkways, pools, and spas;
  - c. A variance for a lot depth of 57 feet on Lot "C" shall be granted as shown on the Site Plan, Exhibit "A," dated November 19, 1996;
  - d. A variance for a six-foot entrance stairway within the front yard located on Lot "C," as shown on the Site Plan, Exhibit "A," dated November 19, 1996;
  - e. An access variance to provide vehicular access to Lot "C" across an easement to the east, where direct access from a public street or alley is required, shall be granted as shown on the Site Plan, Exhibit "A," dated November 19, 1996;
  - f. Off-street parking; and
  - g. Accessory uses and improvements as may be determined incidental and approved by the City Manager;
3. No fewer than nine off-street parking spaces (three per lot including one tandem space on Lot "C") shall be maintained on the property in the location shown on Exhibit "A," dated November 19, 1996, on file in the office of the Development Services Department. Parking spaces shall comply with San Diego Municipal Code Chapter X, Article 1, Division 8, of the Zoning Regulations, 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 Development Services Department; and
  - b. The Coastal Development/Sensitive Coastal Resource 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 City Manager for approval. Plans shall be in substantial conformance to Exhibit "A," dated November 19, 1996, on file in the office of

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

6. No alteration to the pad elevations, building heights, or floor area shall be made, as shown on Exhibits "A," dated November 19, 1996, without review or an amendment to this permit and approval by the City Manager.

7. All walls and fences shall conform to San Diego Municipal Code Chapter X, Division 6.

8. All structures shall comply with San Diego Municipal Code sections 101.0101.62 and 101.0214 for zoning height measurements, and Proposition "D," Height Limitation.

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

10. This Coastal Development/Sensitive Coastal Resource 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.

11. This Coastal Development/Sensitive Coastal Resource 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.

12. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and City Manager, and shall meet adopted standards as to location, noise and friction values, and any other applicable criteria.

13. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved) shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformance to the approved Exhibit "A" Landscape Concept Plan.

A note shall be placed on the grading plan that a temporary non-irrigated hydroseed mix shall be applied to all disturbed areas of the property if construction of the buildings is not begun within 90 days of grading the pads.

14. Prior to issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install all landscaping per the approved Exhibit "A," Landscape Concept Plan, and obtain all required landscape inspections.

15. Permittee shall be responsible for maintenance of the landscape identified on the approved Exhibit "A," Landscape Concept Plan. All approved landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications, such as severely pruning or "topping" of trees, is not allowed unless specifically noted in this permit.

16. If any existing or proposed landscape (including pavement, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or occupancy certificate, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Owner/Permittee. The replacement size shall be the equivalent size of that plant at the time of removal (the largest size commercially available and or an increased number) to the satisfaction of the Development Services Department.

17. No mechanical equipment shall be erected, constructed, maintained, or altered anywhere on the premises, unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building to the satisfaction of the City Manager.

18. Title Restrictions. Prior to the commencement of any work or activity authorized by this permit, the applicant shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement, in a form and content acceptable to the City Manager, or designated representative, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from coastal bluff erosion and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project for any damage due to natural hazards. This Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successors and assigns.

19. All mitigation measures listed in the Mitigated Negative Declaration No. 96-0138 of July 12, 1996 are incorporated as conditions within this permit:

- a. A qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.
- b. Prior to issuance of a grading permit or building permit, the requirement for paleontological monitoring shall be noted on the construction drawings. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections and preparation of a results report. These duties are defined as follows:

1) Monitoring

The paleontologist or paleontological monitor shall be on site during the initial cutting of previously undisturbed areas to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.

2) Salvaging

In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.

3) Preparation

Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).

4) Monitoring Results Report

Prior to the issuance of a building permit, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be submitted to the City Manager for approval.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

20. Prior to the issuance of building permits for House "C," the applicant shall compensate the City a total of \$20,600 for the slope easement as shown on Engineering Drawing 18454-B, satisfactory to both the Real Estate Assets and City Engineer (Note: the applicant has already placed a non-refundable deposit of \$5,000 with the City toward the \$20,600 compensation). In the event that the applicant does not proceed with the development of House "C" prior to the expiration of the slope easement abandonment resolution, the applicant shall be relieved of his obligation of compensation except for the non-refundable deposit of \$5,000; and shall consolidate Lot "C" with Lot "A" or "B" or both in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall assure by permit and bond, provisions for the installation of a fire lane maneuvering area for a minimum of a 20-foot width adjacent to the site satisfactory to the City Engineer and Fire Department.

22. The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for any future improvements to Coast Walk or related drainage improvements.

23. Prior to the issuance of any building permits, the applicant shall obtain approval and recordation of a lot line adjustment consolidation parcel map, satisfactory to the City Engineer. A monumented survey must be provided for the portion of Coast Walk abutting the property, satisfactory to the City Engineer.

24. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer. The drainage plan for this development is subject to the approval of the City Engineer and may require modification to the existing storm drain outfall on the north side of Coast Walk, attenuate potential increases in drainage velocity and reduced erosion of the existing coastal bluffs.

25. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement from the City Engineer for non-standard driveway openings, driveways, private drainage facilities, approved landscaping, irrigation lines and any other private improvements to be located within the public right-of-way. The applicant may submit an application for a street vacation of the right-of-way located adjacent to House "C" and at the specified locations.

26. The applicant shall provide evidence of a private easement located on the adjacent property, Lots 17, 18 and 19, Block 46, Map No. 352, to the satisfaction of the City Engineer.

27. The applicant shall rebuild a retaining wall at reasonable cost for the tennis court located off-site, adjacent to the private easement, on Lots 17, 18 and 19, Block 46, to the mutual satisfaction of both property owners. In the event that House "C" is not constructed, this condition shall not be applicable.

28. The applicant shall disclose to future property owners that adjacent properties, including Lots 1, 2, 17, 18 and 19, Block 46, Map No. 352, are subject to future development in accordance with zoning regulations existing at the time of development.

29. The applicant shall obtain a Traffic Control Permit for the routing of construction traffic during the construction of the residence on Lot "C." The Traffic Control Permit shall state that any commercial vehicle of a rated capacity of more than one ton shall be restricted from entering the access easement to Lot "C."

30. The developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Utilities Manager, and the City Engineer. If more than two fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.

31. 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. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).

32. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.

33. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887).

34. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

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

36. This Coastal Development/Sensitive Coastal Resource Permit 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.

37. This Coastal Development/Sensitive Coastal Resource Permit incorporates SCR/VAR No. 96-0138. The SCR/VAR No. 96-0138 shall not be valid until the Coastal Development Permit becomes effective.

38. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property, or the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

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 such 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 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 permit can still be made in the absence of the "invalid"

conditions(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.

39. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the Council of The City of San Diego on November 19, 1996, by Resolution No. R-288071.

[LAC]PERMITS



**AUTHENTICATED BY THE CITY MANAGER:**

**By** \_\_\_\_\_

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

**BOULDERS, LLC**  
Owner/Permittee

**By** \_\_\_\_\_

**NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. Form=p.ack**