

RESOLUTION NUMBER R-289320

ADOPTED ON OCTOBER 21, 1997

WHEREAS, Kevin E. Villani appealed the decision of the Planning Commission in granting Sensitive Coastal Resource (SCR)/Coastal Development Permit (CDP) No. 96-0584 (amending CDP No. 91-0139) submitted by Herbert and Judith Paige, Owners/Permittees, to construct a 300-square foot balcony addition extending from the second story of an existing single-family residence located at 5204 Chelsea Avenue, more particularly described as Lot 13, Block 4 of Pacific Riviera Villas, Unit No. 1, Map No. 2531, in the La Jolla Community Plan area, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on October 21, 1997, 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 this Council adopts the following findings with respect to Sensitive Coastal Resource/Coastal Development Permit No. 96-0584 (amending CDP No. 91-0139):

**SENSITIVE COASTAL RESOURCE FINDINGS (for existing residence and proposed balcony addition):**

**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.**

The project would occur on a graded lot within an urbanized area of La Jolla. Although the proposed development is adjacent to the ocean shoreline, it will retain the 25-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 POINTS.**

The existing home and balcony addition will not encroach upon any existing or planned physical accessway identified in either the adopted La Jolla Community Plan and La Jolla Local Coastal Program (LCP) Land Use Plan Addendum or the draft La Jolla Community Plan and LCP Land Use Plan, which has been adopted by The City of San Diego but not yet certified by the State of California Coastal Commission.

The site is privately owned and extends to the Tourmaline Surfing Park. A portion of the dedicated Tourmaline Surfing Park land extends along the top of the bluff and across the rear of this property. The applicant has constructed improvements in the dedicated park land at the top of the bluff, consisting of a wall, tile patio on grade, landscaping, and irrigation. These improvements will be removed by the applicant and the park land will be restored to its natural condition by the applicant. Native plants will be planted and temporary irrigation will be installed, which will be removed two years after the installation date.

The subject property is located on the bluff top abutting the Pacific Ocean. The site is below and to the west of a visual access corridor from Crystal Drive, as identified in the adopted La Jolla LCP Land Use Plan Addendum. The addition is proposed at the rear of an existing residence, and would not rise above the existing structure. The height of the proposed structure is in conformance with the zoning and Proposition "D" height limitations. The proposed project will not obstruct designated views.

The site is just to the north of the Tourmaline Surfing Park Public Vantage Point, identified in the draft La Jolla Community Plan and LCP Land Use Plan. The proposed development would not obstruct the designated views for the reasons listed above.

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

Landform alteration is limited to digging footings for three support columns. All drainage will be collected and redirected toward the street. A geotechnical analysis was performed for the coastal development permit issued for the house in 1991. That analysis was reviewed and updated to address this amendment. The update concludes that no undue risks would occur on this site as a result of the proposed balcony addition.

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

**SAND SUPPLY. SHORELINE PROTECTIVE WORKS WILL BE DESIGNED TO BE THE MINIMUM NECESSARY TO ADEQUATELY PROTECT EXISTING PRINCIPAL STRUCTURES, TO REDUCE BEACH CONSUMPTION AND TO MINIMIZE SHORELINE ENCROACHMENT.**

A geotechnical report has been reviewed and approved by the City Engineering Department which indicates that the project will drain away from the bluff edge and 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 PROGRAM, OR ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.**

The project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted La Jolla Community Plan, the existing R1-5000 zone, the City's Local Coastal Program and the City of San Diego Progress Guide and General Plan.

**COASTAL DEVELOPMENT PERMIT FINDINGS (for the proposed balcony addition):**

**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.**

As outlined in Section A of the Sensitive Coastal Resource Findings above, the project is not within any existing or planned physical accessway identified in either the adopted La Jolla Community Plan and La Jolla Local Coastal Program Land Use Plan Addendum or the draft La Jolla Community Plan and LCP Land Use Plan.

The site is privately owned and extends to the Tourmaline Surfing Park. A portion of the dedicated Tourmaline Surfing Park land extends along the top of the bluff and across the rear of this property. The applicant has constructed improvements in the dedicated park land at the top of the bluff, consisting of a wall, tile patio on grade, landscaping, and irrigation. These improvements will be removed by the applicant and the park land will be restored to its natural condition by the applicant. Native plants will be planted and temporary irrigation will be installed, which will be removed two years after the installation date.

The subject property is located on the bluff top abutting the Pacific Ocean. The site is below and to the west of a visual access corridor from Crystal Drive, as identified in the adopted La Jolla LCP Land Use Plan Addendum. The site is also just to the north of the Tourmaline Surfing Park Public Vantage Point as identified in the draft La Jolla Community Plan and LCP Land Use Plan. The balcony addition would occur on private property, at the rear of an existing residence, and would not rise above the existing structure; the height of the proposed structure is

in conformance with the zoning and Proposition "D" height limitations. Therefore, the proposed project will not obstruct designated views.

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

The proposed project would occur on a developed lot within an urbanized area of La Jolla. Although the development is on a coastal bluff adjacent to the ocean shoreline, the balcony addition would not encroach on or adversely affect these resources. The balcony will retain a 25-foot setback from the coastal bluff edge and drainage shall be collected and directed back to the street.

The balcony addition is categorically exempt from environmental review since it does not adversely affect sensitive 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, SAN DIEGO MUNICIPAL CODE SECTION 101.0462, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.**

The subject property is located within the coastal zone, has previously been disturbed and developed and is therefore exempt from the Resource Protection Ordinance in accordance with the San Diego Municipal Code.

**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. The proposed project would not adversely affect coastal resources.

Although the property abuts Tourmaline Surfing Park to the rear, this area is at the top of a bluff approximately 62'-0" above the beach area below. There is no physical access to the beach from this or surrounding properties. Visual access in this area exists from the public rights-of-way along the side property lines of the properties along the bluff edge. The proposed balcony addition is at the rear of an existing structure and would not be visible from the public rights-of-way.

**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.**

The proposed balcony addition occurs on private property, at the rear of an existing structure which is approximately 62'-0" above the beach area below, and would not adversely impact environmentally sensitive habitats or scenic resources located in adjacent parks and recreation areas. All drainage will be collected and directed away from the bluff to the street drainage systems. The 25-foot bluff top setback shall be observed.

**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.**

The proposed development is located on a previously-graded and developed lot. Minimal grading will occur for the footings only. The project has been exempted from environmental review and no potential erosional, flood, or fire hazards have been 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 proposed development is located in an urbanized residential neighborhood with a mixture of sizes, styles and designs of residences. The structure's bulk, massing, and setbacks conform to the City of San Diego's zoning ordinance. The proposed development will therefore 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.**

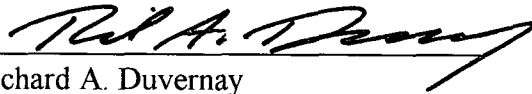
The project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted La Jolla Community Plan, the existing R1-5000 zone, the City's Local Coastal Program and the City of San Diego Progress Guide and General Plan.

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

BE IT FURTHER RESOLVED, that the appeal of Kevin Villani is denied, the decision of the Planning Commission is sustained, and SCR/CDP Permit No. 96-0584 (amending CDP No. 91-0139) is hereby granted to Herbert and Judith Paige, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
12/2/97  
Or.Dept:Clerk  
R-98-558  
Form=permitr.frm

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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SENSITIVE COASTAL RESOURCE/COASTAL DEVELOPMENT PERMIT AMENDMENT**  
**NO. 96-0584**  
**PAIGE RESIDENCE BALCONY ADDITION**  
**CITY COUNCIL**

This Sensitive Coastal Resource/Coastal Development Permit Amendment is granted by the Council of The City of San Diego to HERBERT and JUDITH PAIGE, Individuals, Owners/Permittees, pursuant to Sections 101.0480 and 111.1202 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owners/Permittees to construct a 300-square-foot balcony addition to the second-story of the existing single-family residence located at 5204 Chelsea Avenue, described as Lot 13, Block 4 of Pacific Riviera Villas, Unit No. 1, Map No. 2531, in the R1-5000 Zone.

2. The project shall consist of the following, as shown on Exhibit "A," dated October 21, 1997, on file in the Office of Development Services:

- a. Construction of a 300-square-foot balcony addition to the second-story of the 8,012-square-foot existing single-family residence;
- b. Maintenance of an existing single-family residence, landscaping, and off-street parking; and
- c. Incidental accessory uses as may be determined incidental and approved by the City Manager.

3. Not fewer than two off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated October 21, 1997, on file in the Office of Development Services. Parking spaces shall comply with San Diego Municipal Code (SDMC), Chapter X, Article 1, Division 8, 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.

4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Owners/Permittees sign and return the permit to Development Services;
  - b. The Sensitive Coastal Resource/Coastal Development Permit Amendment is recorded in the Office of the County Recorder.
5. Before issuance of any building permits, complete construction documents shall be submitted to the City Manager for approval. Plans shall be in substantial conformance to Exhibit "A," dated October 21, 1997, on file in the Office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
6. All approved landscape and irrigation shall be maintained in substantial conformance with Exhibit "A," dated October 21, 1997, Landscape Concept Plan, on file in the Office of Development Services. The approved landscape and irrigation is identified as all that within 40'-0" of the bluff edge. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
7. Native and other drought-tolerant plant species shall be utilized in order to minimize irrigation requirements and to reduce potential slide hazards due to over watering of the bluffs.
8. Prior to the issuance of any Certificate of Occupancy for the balcony, it shall be the responsibility of the Permittee to install all approved landscape and irrigation and obtain all required landscape inspections.
9. 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 permitted unless specifically noted in this permit.
10. Landscape materials shall be installed and maintained so as to assure that neither during growing stages nor upon reaching maturity will such materials obstruct views to and along the ocean and other scenic coastal areas from public vantage points.
11. No structure or improvement or portion thereof shall be placed or erected, and no grading shall be undertaken, within 25 feet of any point along the coastal bluff edge as determined by the City Manager, based on geologic evidence which more



precisely determines the location of the bluff edge and the 25-foot edge setback.

12. All drainage from the site shall be directed away from any bluff edges and into the street developed with a gutter system in accordance with the approved preliminary drainage plan Exhibit "A," dated October 21, 1997, on file in the Office of Development Services.

13. The existing drainage pipe at the northwest end of the property which extends from the bluff shall be cut flush with the bluff and shall be plugged with concrete or other permanent material approved by the City Engineer to prevent drainage down the bluff.

14. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

15. The maximum heights of the structures shall not exceed those heights indicated on Exhibit "A," dated October 21, 1997, on file in the Office of Development Services. Specifically, no structure shall exceed 30'-0" in height as measured in accordance with SDMC sections 101.0101.62 ("Height of a Building or Structure") and 101.0214 ("Maximum Height of a Building or Structure"). In addition, all structures shall be in conformance with SDMC section 101.0451 (Proposition "D").

16. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for the pressurized sidewalk underdrains.

17. The applicant shall remove all improvements within the dedicated Tourmaline Surfing Park, including, but not limited to the terrace, irrigation, plant material, and concrete wall with glass within 60 days of the recorded date of this permit. The method of removal and disposal shall be approved by the Park and Recreation and Development Services Managers.

18. The applicant shall restore the coastal bluff area within the Tourmaline Surfing Park within 90 days of the recorded date of this permit to the satisfaction of the Park and Recreation and the Development Services Managers. Such restoration shall include the installation of native plants, temporary irrigation systems, and drainage. All temporary irrigation systems shall be removed within two years of the installation date.

19. 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.

20. The Owners/Permittees agree to cease and desist from the design and construction of any additional improvements on dedicated park land.

21. All fences and/or walls, including those within the required front yard and driveway visibility areas, shall be modified as required to conform with the San Diego Municipal Code requirements.

22. 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 City Manager or the permit has been revoked by The City of San Diego.

23. This Sensitive Coastal Resource/Coastal Development Permit Amendment 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.

24. This Sensitive Coastal Resource/Coastal Development Permit Amendment 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.

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

26. This Sensitive Coastal Resource/Coastal Development Permit Amendment 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 SDMC section 105.0216.

27. 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.

28. In the event that any condition of this permit, on a legal challenge by the Owners/Permittees 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 Owners/Permittees 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.

29. 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 October 21, 1997, by Resolution No. R-289320.

L:\DUVERNAY\PERMITS\96-0584.PER

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

---

**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.

**HERBERT PAIGE**  
Owner/Permittee

By \_\_\_\_\_

**JUDITH PAIGE**  
Owner/Permittee

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

11/26/97  
LADUVERNAY\PERMITS\PAIGE.ALL

**CORRECTED COPY**

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF HAZARDOUS CONDITION  
INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

PAIGE RESIDENCE BALCONY ADDITION  
SCR/CDP 96-0584

I. WHEREAS, HERBERT AND JUDITH PAIGE, hereinafter referred to as "Owners," are the record owners of the certain real property located at 5204 Chelsea Avenue, described as Lot 13, Block 4, of Pacific Riviera Villas, Unit No. 1, in the City and County of San Diego, State of California, Map No. 2531; filed in the office of the County Recorder for San Diego County; and

II. WHEREAS, the subject property is located within the Coastal Zone as defined in § 30103 of the California Public Resources Code, hereinafter referred to as the "California Coastal Act of 1976"; and

III. WHEREAS, pursuant to the California Coastal Act of 1976, the City has adopted a Local Coastal Plan which implements the California Coastal Act of 1976; and

IV. WHEREAS, pursuant to the Local Coastal Plan, Sensitive Coastal Resource Permit, and Coastal Development Permit No. 96-0584, hereinafter referred to as the "Permit," was granted on October 21, 1997, by the Council of The City of San Diego by Resolution No. R-289320, which permit is herein incorporated by reference; and

V. WHEREAS, the Permit is subject to terms and conditions including, but not limited to, the following condition:

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.

VI. WHEREAS, the City found that but for the imposition of the above condition, the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that a permit could therefore not have been granted; and

VII. WHEREAS, Owners have elected to comply with the conditions imposed by the Permit and executed this Notice of Hazardous Condition - Indemnification and Hold Harmless Agreement so as to enable Owners to undertake the development authorized by the Permit.

NOW, THEREFORE, in consideration of the granting of the Permit to the Owners by the City, the Owners hereby irrevocably covenant with the City that there be and hereby is created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property. The undersigned Owners, for themselves and for their assigns and successors in interest, covenants and agrees that:

1. The Owners understand that no new accessory structures and landscape features customary and incidental to residential uses shall be developed within five feet of the Bluff Top (as more precisely defined in geotechnical documents required in Condition 11 of the Permit) or on the face of the Bluff.

2. The Owners understand that the site may be subject to extraordinary hazard from coastal bluff erosion.

3. The Owners unconditionally waive any claim of liability against The City of San Diego, and agree to hold The City of San Diego, and its advisors harmless relative to The City of San Diego's approval of the project for which the permit is granted.

4. Attorneys Fees. In any action or proceeding arising to protect, interpret, or enforce the deed restriction, obligations, or covenants granted or created hereunder, the prevailing party shall be entitled to recover reasonable attorneys fees and costs.

5. Severability. In the event any term, covenant, condition, provision, or agreement herein contained is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such term, covenant, condition, provision, or agreement shall in no way affect any other term, covenant, condition, provision, or agreement herein contained.

6. This Agreement is hereby agreed to by Owners and deemed to be a covenant running with the land, and shall bind Owners and all their assigns or successors in interest. Owners agree to record this Notice of Hazardous Condition - Indemnification and Hold Harmless Agreement in the Recorder's Office for the County of San Diego as soon as possible after the date of its execution.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Herbert Paige, Owner

\_\_\_\_\_  
Judith Paige, Owner

LADUVERNAYPERMITS96-0584.REV

STATE OF CALIFORNIA    )  
  )ss.  
COUNTY OF SAN DIEGO    )

On \_\_\_\_\_ before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature \_\_\_\_\_

(Seal)