

RESOLUTION NUMBER R-294250

ADOPTED ON NOVEMBER 21, 2000

WHEREAS, Draper Plaza, L.L.C., a Nevada Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit and La Jolla Planned District Permit [CDP/LJPDP] to construct a twelve unit residential condominium development known as the Draper Avenue Condominium project, located at 7518 through 7534 Draper Avenue, in Zone 5 of the La Jolla Planned District and legally described as Lots 26, 27, 28, 29 and 30 in Block 12 of La Jolla Park, Map 352 in the La Jolla Community Plan area; and

WHEREAS, on October 28, 1999, the Planning Commission of the City of San Diego considered CDP/LJPDP Permit No. 98-0835, and pursuant to Resolution No. 2868-PC voted to deny the permit; and

WHEREAS, Ami Kawa appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, on December 7, 1999, the City Council considered the matter, and a motion for continuance was made and approved; and

WHEREAS, on January 18, 2000, the City Council considered applicant's request for a continuance and a motion was made and approved to continue this matter; and

WHEREAS, on February 1, 2000, the City Council considered the matter, a motion was made to approve the appeal and the project; the motion failed and the decision of the Planning Commission remained in effect; and

WHEREAS, on October 24, 2000, the City Council considered and approved a motion to waive the permanent rules of the Council and a motion for reconsideration of the denial of the appeal which was part of a proposed settlement to pending litigation; and

WHEREAS, the matter was set for public hearing on November 21, 2000, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after the approval of the above referenced project by the City Council, Draper Plaza, L.L.C., transferred ownership of the property to Michael E. Turk, thereby making Michael E. Turk, individually, and Michael E. Turk, Trustee of the Pacific Beach Investment Trust dated April 11, 2001, Exempt Trusts A and B, the new permittee, and Michael E. Turk, the new owner of the Draper Avenue Condominium project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council adopts the following findings with respect to CDP/LJPDP Permit No. 98-0835:

I. COASTAL DEVELOPMENT PERMIT FINDINGS (SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 101.0205)

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 local coastal program land use plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The proposed development, to relocate an existing single-family home, demolish thirteen multi-family units in six existing buildings, and construct twelve townhouse condominiums in two three-story buildings, with a subterranean parking garage, would not encroach upon any public accessway or any view corridor identified by the La Jolla-La Jolla Shores Local Coastal Program Addendum. No portion of the subject property is identified in the City's Local Coastal Program [LCP] or the La Jolla Planned District Ordinance [La Jolla PDO] as a public accessway to the coast. The site is privately owned and therefore would not encroach upon any existing physical accessway legally utilized by the general public.

Construction of the proposed condominiums on the project site (and associated site improvements) is compatible with existing development in the surrounding area in terms of building height, intensity, land use, structural setbacks, and landscaping, and will comply with the relevant development requirements of the La Jolla PDO (Zone 5). Therefore, 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.

B. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

The proposed development is located on a previously developed lot within Block 12 of La Jolla Park, Map 352. Drainage from the developed portion of the site will be directed toward the street. This development does not propose to encroach into undisturbed areas. As a result, no sensitive slopes or biologically sensitive resources exist on the property or would be disturbed in order to implement the proposed project.

Mitigated Negative Declaration [MND] No. 98-0835 incorporates a Mitigation Monitoring and Reporting Program [MMRP] for this project to protect and mitigate for any impacts to Historical and Paleontological Resources. These mitigation measures would reduce potential adverse impacts of the project to below a level of significance. The applicant has agreed to implement the recommended MMRP as outlined with MND No. 98-0835 and incorporated as conditions of CDP/LJPDP Permit No. 98-0835.

Therefore, 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 (SDMC section 101.0462) unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

As identified within MND No. 98-0835, the project site contains an historic house, located on site and addressed as 7520 Draper Avenue. The house, known as the Dr. Martha Dunn Corey House, was evaluated and designated Historic by the Historic Site Board on March 24, 1999. In response to the designation, the applicant agreed to relocate rather than demolish the historic structure. The MMRP of the MND and permit conditions will prevent any adverse impact to this historic resource.

Therefore, 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, SDMC section 101.0462.

D. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

The proposed development is located approximately 1,600 feet from the Pacific Ocean and will be on a lot that has no direct beach frontage or access. Development will be contained on a previously disturbed lot. No coastal scenic resources, recreational or visitor-serving facilities were identified on the project site (per the La Jolla PDO or the City's LCP). Therefore, the proposed development will not encroach on any accessway or alter any on-street parking currently used by the public in their use of local 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.

The proposed development is not located on or adjacent to parks or recreational areas as identified in the La Jolla-La Jolla Shores Coastal Program Addendum and the La Jolla Community Plan. Therefore, the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in nearby parks and recreation areas, and will provide adequate buffer areas to protect such resources.

F. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and flood and fire hazards.

The proposed development is to be located on a previously graded site where six structures currently exist. Grading proposed for the construction of the twelve unit condominium project would occur for the subterranean garage. The site is not located in a geologic, flood, or fire hazard area. Therefore, the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and 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.

The proposed development will consist of the relocation an existing single-family home, demolition of thirteen multi-family units in six existing buildings, and construction of twelve townhouse condominiums in two three-story buildings with a subterranean parking garage on a 0.4-acre lot. The project site is located in a neighborhood with mixed-use development, consisting of one-story single-family residential, two to five story multi-family residential, with some retail, cultural (library), and commercial office space. Therefore, the proposed development will be similar in bulk, mass, and character to surrounding development and will be visually compatible with the character of the surrounding area.

H. The proposed development will conform with the City of San Diego Progress Guide and General Plan, the local coastal program, and any other applicable adopted plans and programs.

The proposal to develop twelve units on 17,500 square feet of lot area is consistent with the medium density residential designation (14-34 dwelling units per acre) of the La Jolla Community Plan. The development is also consistent with the development standards of the Zone 5 requirements of the La Jolla PDO, the City's LCP, and the City of San Diego's Progress Guide and General Plan. Therefore, the proposed development conforms with the general plan, the local coastal program, and any other applicable adopted plans and programs.

**II. LA JOLLA PLANNED DISTRICT PERMIT FINDINGS
(SDMC SECTION 103.1204)**

A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted planned district ordinance.

The residential land use (and associated site improvements) proposed on the subject property are consistent with recommended land use designations, design guidelines and development standards in effect for this site per the City's Progress Guide and General Plan, the La Jolla PDO, and the adopted La Jolla Community Plan. The proposed development would be compatible with the existing mixed-use development, consisting of one-story single-family residential, two to five story multi-family residential, with some retail, cultural (library), and commercial office space land uses surrounding the subject property.

The development of twelve residential units will fulfill a community need by providing available medium density residential units within this portion of the community, which is designated in the La Jolla Community Plan for medium density residential development, consistent with requirements of Zone 5 of the La Jolla PDO. The applicant is also required to provide ten replacement units, or pay an in-lieu fee toward the provision of replacement units, in accordance with City Council Policy 600-3. If the in-lieu option were chosen, the in-lieu fees would be put into the Low and Moderate Income Coastal Housing Fund, ensuring that the funds are used to provide low and moderate income developments within the Coastal Zone. Not only will twelve new residential units be developed within the Coastal Zone, but replacement units, or in-lieu fees towards replacement units in the Coastal Zone will be provided. Therefore, the proposed development will not adversely affect the City's Progress Guide and General Plan.

B. The proposed use will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.

The draft permit prepared for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this site to assure the health, safety and general welfare of persons residing or working in the area. These conditions include restrictions upon the types of land uses and activities permitted

on the property per the underlying zone and the minimum standards for landscaping (per the City's Landscape Technical Manual), and minimum standards to assure safe and functional pedestrian and vehicle access.

The proposed project and associated site design features are compatible with the character of the surrounding area (i.e., mixed-use development, consisting of one-story, single-family residential, two to five story multi-family residential, retail, cultural [library], and commercial office space) in terms of bulk, scale, design, intensity, and land use.

C. The proposed use will fully comply with the relevant regulations of the SDMC in effect for this site.

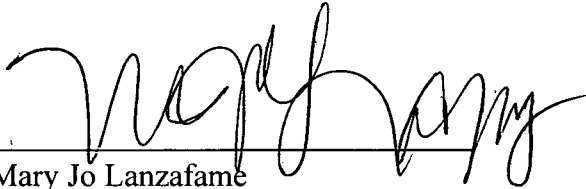
The proposed development of this site for residential land use is consistent with the relevant regulations of the SDMC in effect for the subject property, including requirements for building setbacks, floor area ratios, building height, various site coverages, structural, and site design guidelines as specified or recommended by zone, the adopted La Jolla Community Plan, CEQA guidelines, the City's Local Coastal Program (LCP), the Landscape Technical Manual, and the City of San Diego's 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 Ami Kawa is approved and that the recommendation of the Planning Commission is overruled, and Coastal Development Permit and La Jolla Planned District Permit No. 98-0835 is granted to Michael E. Turk, individually, and Michael E. Turk, Trustee of the Pacific Beach Investment Trust dated April 11, 2001, Exempt

Trusts A and B, Permittee, and Michael E. Turk, Owner, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL/mdw:lc
08/06/01
Or.Dept:Clerk
R-2001-1590
Form=permitr.frm
Reviewed by Dan Stricker

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

**AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT AND
LA JOLLA PLANNED DISTRICT PERMIT 98-0835
DRAPER AVENUE CONDOMINIUMS**

CITY COUNCIL

This Coastal Development Permit and La Jolla Planned District Permit [CDP/LJPDP] is granted by the Council of the City of San Diego to Michael E. Turk, individually, and Michael E. Turk, Trustee of the Pacific Beach Investment Trust dated April 11, 2001, Exempt Trusts A and B, Permittee, and Michael E. Turk, Owner, pursuant to San Diego Municipal Code sections 105.0202 and 103.1204. The 0.4 acre site is located at 7518 through 7534 Draper Avenue in Zone 5 of the La Jolla Planned District [LJPD] within the La Jolla Community Planning Area. The project site is legally described as Lots 26, 27, 28, 29, and 30 in Block 12 of La Jolla Park, Map 352.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee for the relocation of a single-family home, the demolition of thirteen multi-family units in six existing buildings, and the construction of twelve townhouse condominiums in two, three-story buildings, with a subterranean parking garage, described and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated November 21, 2000, on file in the Development Services Department. The project shall include:

- a. The construction of twelve townhouse condominiums in two, three-story buildings totaling 25,729 square feet, over a joint subterranean parking garage, housing thirty off-street parking spaces;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. A maximum three-foot high planter or retaining wall within the front yard setback area; a maximum six-foot high fence or wall along the northerly and southerly property lines; and

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- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the SDMC in effect for this site.
1. Construction, grading, or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to Development Services Department; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
 3. Unless this permit has been revoked by the City of San Diego, the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit, unless otherwise authorized by the City Manager.
 4. This permit is a covenant running with the subject property and shall be binding upon the Owner/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.
 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 6. 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 Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. §§ 1531 *et seq.*)
 7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 21, 2000, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment to this permit have been granted.

9. 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, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the 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 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigated Negative Declaration [MND] No. 98-0835, satisfactory to the City Manager and the City Engineer. Prior to issuance of the building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Paleontological Resources and Historical Resources.

ENGINEERING REQUIREMENTS:

11. All grading shall conform to requirements of the SDMC in a manner satisfactory to the City Engineer.

12. This project shall comply with the conditions of the final map for Tentative Map No. 98-0835.

13. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.

14. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of standard public improvements on Draper Avenue, including but not limited to sidewalk, curb, and gutter satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, the applicant shall submit an elevation certificate signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on United States Geological Survey datum satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

16. No fewer than thirty off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated November 21, 2000, on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

17. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

18. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

19. 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

20. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

21. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Director of Development Services Department. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
22. All signage associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.
23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
24. The use of textured or enhanced paving shall meet applicable City standards as to location, noise, and friction values.
25. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
26. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
27. No merchandise, material or equipment shall be stored on the roof of any building.
28. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
29. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials of the San Diego Municipal Code to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated November 21, 2001, on file with the Development Services Department.

HOUSING COMMISSION:

30. The Owner/Permittee is required to comply with Council Policy 600-3 (Coastal Housing Program) as administered by the San Diego Housing Commission. The Owner/Permittee has executed a "Compliance Permit and Agreement Imposing Covenants and Restrictions on Real Property" with the Chief Executive Officer of the Housing Commission, which Compliance

Agreement shall be recorded. The Compliance Agreement requires the Owner/Permittee to provide to the Housing Commission an acceptable performance security towards the provision of any required replacement units prior to the City staff's recordation of the Coastal Development Permit and the La Jolla Planned District Permit No. 98-0835. City staff's recordation of this permit with the County of San Diego Recorder's Office shall be withheld until the Housing Commission has provided written confirmation of the Owner/Permittee's compliance with the performance security requirement of the agreement. Failure to satisfy the terms of the compliance agreement shall deem this permit null and void.

31. The Owner/Permittee has agreed to provide a relocation assistance payment to the ten low income persons or families who were identified by the Housing Commission's tenant income survey, in accordance with Council Policy 600-3. The Owner/Permittee shall provide relocation assistance payment equivalent to four months current rent, which shall be paid directly to the ten low income persons or families on the day the specified tenant(s) vacate their respective unit(s). The Owner/Permittee shall provide current tenants of the project site with six months notice to vacate. Written notice and documentation verifying tenant receipt of these relocation assistance payment(s) shall be made by the Owner/Permittee to the San Diego Housing Commission. This condition of relocation assistance is further described in the Coastal Compliance Agreement executed by the Owner/Permittee and the Housing Commission.

LANDSCAPE REQUIREMENTS:

32. Prior to issuance of any 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 City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 21, 2000, on file in the Development Services Department. No change, modification or alteration shall be made unless appropriate application or amendment to this Permit has been granted.

33. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within forty-five days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

34. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. The Urban Forester must approve of the final selection of the street tree. Copies of these approved documents must be submitted to the City Manager.

35. All required 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 severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

36. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

37. A minimum of 50 percent of all paved surfaces used for pedestrian activity within the private property shall be composed of textured materials such as brick, stone or tile consistent with the material specifications outlined in the SDMC governing Streetscape Development and Encroachment Permits.

38. The sidewalk surface treatment within the public right-of-way shall be consistent with the material specifications outlined in the SDMC governing Streetscape Development and Encroachment Permits.

APPROVED by the Council of the City of San Diego on November 21, 2000, Resolution No. R-294250.

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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.

MICHAEL E. TURK, individually,
Permittee

By: _____

MICHAEL E. TURK, Trustee
Pacific Beach Investment Trust dated April 11, 2001,
Exempt Trusts A and B,
Permittee


By: _____

MICHAEL E. TURK, Owner

By _____

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

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