

RESOLUTION NUMBER R-296506

ADOPTED ON MAY 14, 2002

WHEREAS, James Clay, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a 2,959 square foot addition to an existing two-story single family residence, including guest quarters (office) and swimming pool; to abandon an existing storm drain easement under the residence; and to construct a new storm drain along Camino De La Costa and connect to an existing outfall in the public right of way on portions of a 15,112 square-foot site, located at 5832 Camino De La Costa, and legally described as Lot 13 in Block 2-A of La Jolla Hermosa, Map No.1810 filed in the Office of the County Recorder of San Diego on November 21, 1924, in the La Jolla Community Plan area, in the RS-1-7 zone, the Coastal Zone (Coastal Commission Appeal Jurisdiction), Coastal Height Limit, Sensitive Coastal Resource (Coastal Bluffs), Beach Impact, and First Public Roadway zone; and

WHEREAS, on February 21, 2002, the Planning Commission of the City of San Diego considered Coastal Development Permit/Sensitive Coastal Resource/Conditional Use [CDP/SCR/CUP] Permit No. 99-0940, and pursuant to Resolution No. 3285-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on May 14, 2002, 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 it adopts the following findings with respect to CDP/SCR/CUP Permit No. 990-0940:

**I. COASTAL DEVELOPMENT --SAN DIEGO MUNICIPAL CODE [SDMC]
SECTION 105.0202**

A. The proposed development will not encroach upon any existing physical accessway legally utilized by the general 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 proposed project is a request to add approximately 2,959 square feet to an existing 3,509 square-foot two story single-family residence located at 5832 Camino De La Costa Boulevard in the La Jolla Community Plan area. The project includes guest quarters in the new addition, and a lap swimming pool. The 15,112 square foot project site is located on a coastal bluff overlooking the Pacific Ocean in an established residential neighborhood. The property is zoned RS-1-7 (previously referred to as R1-5000). The existing home was constructed in approximately 1955 and was built over an existing City-owned storm drain. The storm drain currently discharges to the coastal bluff. This project includes a request to abandon the existing storm drain and storm drain easement, and relocate the storm drain to the public right of way along Camino De La Costa and connect to an existing ocean outfall approximately 150 feet north of the project site, in the public right of way.

The project site is not located near any existing physical accessway legally used by the general public, nor is there any proposed public accessway in the vicinity of the project site. The subject property is approximately 150 feet north of La Hermosa Park, a small pocket park overlooking the Pacific Ocean which is identified as a public viewshed in the La Jolla Community Plan. No public access to the beach is provided at La Hermosa Park. The proposed project will not impact the public views in any way. The project is not in the line of site from La Hermosa Park to the ocean. Further, the proposed project would not significantly alter the roofline of the existing residence and the maximum height of the house would comply with the 30 foot height limit of the zone.

All of the permanent improvements proposed for the project will be developed within the existing property line of the existing lot, and will not encroach upon any public accessway. The highest point of the proposed structure will not exceed 30 feet, and will not obstruct views to or along the ocean or other scenic coastal areas in the vicinity, from public vantage points.

B. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The project site is currently developed with an existing single family home. The proposed project would not significantly alter the footprint of the existing home. There are no sensitive biological resources on site. The project site is on a coastal bluff overlooking the Pacific Ocean. The coastal bluff is a sensitive coastal resource. The proposed project would not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. All surface water runoff from the subject property would be pumped back to the street for discharge into the public storm drain system, which would be relocated to the public right of way in Camino De La Costa as part of this project. No runoff would be allowed to be discharged over the bluff. Landscaping with the bluff edge setback would be drought tolerant and would not require a permanent underground irrigation system. Irrigation runoff would be eliminated as a

potential source of resource degradation. Therefore, there would be no adverse effects on marine resources from surface water runoff. Also, with the abandonment of the existing storm drain under the house, a discharge outfall to the coastal bluff would be eliminated which would tend to increase the stability of the bluff. The new storm drain line would be connected to an existing ocean outfall approximately 150 feet north of the project site, in the public right-of-way of La Costa Place, which is a paper street. The existing ocean outfall would be upgraded with this project, and there would be no increase in erosion potential.

The proposed development would be set back a minimum of 25 feet from the bluff edge as allowed in the Sensitive Coastal Resource Overlay Zone ordinance. A geotechnical investigation was prepared for this project and reviewed by staff. The report determined and staff concurred that the site is stable enough to support the proposed development with a 25-foot bluff-edge setback, and that the project has been designed so that it will neither be subject to, nor contribute to, significant geologic instability throughout the anticipated life span of the single family residence.

The project proposes a minor amount of grading; five cubic yards cut and 75 yards of fill, for a net fill of 70 cubic yards. An environmental initial study was conducted for this project and it was determined that the project would not have a potential impact on paleontological or archeological resources. In addition, a very minor amount of grading is proposed with this project.

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 SDMC, unless by the terms of the resource protection ordinance, it is exempted therefrom. An Environmental Initial Study was completed for this project which determined that the Clay Residence project would not have a potential impact on biologically sensitive land or prehistoric resources. The 15,000 square foot project site is currently developed with an existing single family residence in an established urban neighborhood; no biologically sensitive lands exist on site the site.

The issue area of Historical Resources was determined to be significant during the Environmental Initial Study. An historical assessment report was required to be prepared due to the fact that the existing house is over 45 years old, having been constructed in 1954. It was determined that the house is architecturally significant on the basis of its design/construction. It qualifies for the San Diego Historical Resources Board Register "as a property which embodies the distinctive characteristic of a style, type, and method of towered French Norman construction." The project was reviewed by the San Diego Historical Resources Board Design assistance Subcommittee who determined that the proposed improvement would not trigger historical designation. A Mitigated Negative Declaration was prepared for the proposed project, with a Mitigation, Monitoring and Reporting Program [MMRP] required for the issue area of Historical Resources. Implementation of the MMRP as required as a condition of the draft Permit would ensure that the potentially adverse impacts to historical resources would be reduced to below a level of significance.

D. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources. The project site is on the coastal bluff overlooking the beach of the Pacific Ocean. The proposed project will not have any impact on the public's recreational use of the beach or any visitor-serving facilities. The project site is approximately 150 feet north of La Jolla Hermosa Park, which is designated as a public view shed in the La Jolla Community Plan. The Clay residence project would have no impact on this view shed. The proposed project will have no impact on this coastal scenic resource as currently appreciated from La Jolla Hermosa Park or from any other coastal vistas identified in the La Jolla Community Plan.

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 project would be set back a minimum of 25 feet from the bluff edge, as recommended in the Geotechnical Investigations completed for this project. The geotechnical investigation determined that the site is stable enough to support the proposed development with the proposed 25 foot bluff edge setback, and the project has been designed so that it will neither be subject to, nor contribute to, significant geologic instability throughout the anticipated life of the single family residence. Therefore, the proposed project would not have an impact on the recreational beach area below the bluff, and would provide adequate buffer to protect the bluff, a sensitive coastal resource.

Although the project site is approximately 150 feet north of La Jolla Hermosa Park, which is designated as a view shed in the La Jolla Community Plan, the proposed project will not impact the public views. Therefore, the proposed development would not create any adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

F. The proposed development 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 project has been designed to minimize the amount of grading required, and all grading is set back from the bluff edge from 0 to 23 feet. The project proposes five cubic yards of cut and 75 cubic yards of fill, for a net import of 70 cubic yards. There would be no significant alteration of the natural landform.

The proposed development would be set back a minimum of 25 feet from the bluff edge as allowed in the Sensitive Coastal Resource Overlay Zone ordinance. A geotechnical investigation was prepared for this project and reviewed by staff. The report determined and staff concurred that the site is stable enough to support the proposed development with a 25 foot bluff-edge setback, and that the project has been designed so that it will neither be subject to nor contribute to significant geologic instability throughout the anticipated life span of the single family residence (estimated 75 years). Therefore, there are no undue risks for geologic forces with the proposed project.

As a condition of the permit, all surface water runoff from the project site would be directed back to the street (Camino De La Costa) for discharge into the new storm drain line in the public right-of-way. No surface water would be allowed to discharge over the bluff. The bluff edge would be landscaped with drought tolerant plants, with no permanent irrigation. Thus, erosion from surface water runoff would be minimized with this project. The proposed project also includes the abandonment of the existing storm drain line that currently runs under the house and discharges on the bluff. With elimination of this outfall, bluff erosion would be further minimized at the project site. The new storm drain line would be constructed in Camino De La Costa and connected to an existing ocean outfall approximately 150 feet north of the project site, in the public right-of-way of La Costa Place, which is a paper street. This existing ocean outfall would be upgraded with this project to include energy dissipators, and there would be no increase in erosion potential at the discharge point.

The project site is located on a coastal bluff, approximately 50 feet above sea level and is not subject to flooding. The proposed project is in an established urban neighborhood with no special fire hazards. Therefore, 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.

G. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas. The Clay Residence project is located within an existing developed residential neighborhood along the coast consisting of single-family residential uses in a variety of architectural styles and colors. The proposed project will maintain the existing character and architecture of the house, which is described in the Historical Resources report as towered French Norman. The project proposed the addition of 2,959 square feet, including guest quarters, to an existing two-story single-family residence. The total square footage of the proposed development would be 6,463. The proposed project is consistent with the existing neighborhood in terms of bulk and scale. The structure heights, floor area ratio, and building setbacks conform the SDMC requirements. The proposed project would be visually compatible with the character of the surrounding area.

H. The proposed development will conform with the city's progress guide and general plan, the local coastal program, and any other applicable adopted plans and programs in effect for this site. The proposed project consists of the remodel and expansion of an existing two-story single family residence, including guest quarters and swimming pool, and the abandonment of an existing storm drain under the house with relocation of the storm drain to the public right of way in Camino De La Costa and connection to an existing ocean outfall approximately 150 feet north of the project site. The proposed project conforms with all RS-1-7 zone requirements, the Proposition D Coastal Height Limitation Zone requirements, the Beach Impact Area requirements, the Local Coastal Program, and all other applicable plans and programs.

II. SENSITIVE COASTAL RESOURCE --SDMC SECTION 101.0480

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 proposed project has been sited and designed to preclude adverse impacts to sensitive coastal resources and environmentally sensitive areas. The grading proposed with the project is minimal (net 70 cubic yards import) and it will not have a negative impact on the coastal bluff, a sensitive coastal resource. The structures proposed with the project will be setback a minimum of 25 feet from the bluff edge, as recommended in the Geotechnical Investigations that were conducted for this project and as allowed in the Sensitive Coastal Resources Ordinance. The report determined and staff concurred that the site is stable enough to support the proposed development with a 25 foot bluff-edge setback, and that the project has been designed so that it will neither be subject to nor contribute to significant geologic instability throughout the anticipated life span of the single family residence (estimated 75 years). Construction of the project would be required to be in compliance with the approved design.

As a condition of the permit, all surface water runoff from the project site would be directed back to the street (Camino De La Costa) for discharge into the new storm drain line in the public right-of-way. No surface water would be allowed to discharge over the bluff. The bluff edge would be landscaped with drought tolerant plants, with no permanent irrigation. Thus, erosion from surface water runoff and any associated potential impact to sensitive coastal resources and environmentally sensitive areas would be minimized with this project. The proposed project also includes the abandonment of the existing storm drain line that currently runs under the house and discharges on the bluff. With elimination of this outfall, bluff erosion would be further minimized, which would further serve to protect the sensitive coastal resource.

B. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in the adopted community 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 near any existing physical accessway legally used by the general public, nor is there any proposed public accessway in the vicinity of the project site. The subject property is approximately 150 feet north of La Hermosa Park, a small pocket park overlooking the Pacific Ocean which is identified as a public viewshed in the La Jolla Community Plan. The proposed project will not impact the public views in any way. The project is not in the line-of-site from La Hermosa Park to the ocean. Further, the proposed project would not significantly alter the roofline of the existing residence and the maximum height of the house would comply with the 30 foot height limit of the zone.

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 on site. The proposed project has been designed to minimize the amount of grading required, and all grading is setback from the bluff edge from 0 to 23 feet. The project proposes five cubic yards of cut and 75 cubic yards of fill, for a net import of 70 cubic yards. There would be no significant alteration of the natural landform.

The proposed development would be set back a minimum of 25 feet from the bluff edge as allowed in the Sensitive Coastal Resource Overlay Zone ordinance. A geotechnical investigation was prepared for this project and reviewed by staff. The report determined and staff concurred that the site is stable enough to support the proposed development with a 25 foot bluff-edge setback, and that the project has been designed so that it will neither be subject to nor contribute to significant geologic instability throughout the anticipated life span of the single family residence (estimated 75 years). Therefore, there are no undue risks for geologic forces with the proposed project.

As a condition of the permit, all surface water runoff from the project site would be directed back to the street (Camino De La Costa) for discharge into the new storm drain line in the public right-of-way. No surface water would be allowed to discharge over the bluff. The bluff edge would be landscaped with drought tolerant plants, with no permanent irrigation. Thus, erosion from surface water runoff would be minimized with this project. The proposed project also includes the abandonment of the existing storm drain line that currently runs under the house and discharges on the bluff. With elimination of this outfall, bluff erosion would be further minimized.

The project site is located on a coastal bluff, approximately 50 feet above sea level and is not subject to flooding. The proposed project is in an established urban neighborhood with no special fire hazards. Therefore, 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.

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. The proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. As a condition of the permit, all surface water runoff from the project site would be directed back to the street (Camino De La Costa) for discharge into the new storm drain line in the public right-of-way. No surface water would be allowed to discharge over the bluff. The bluff edge would be landscaped with drought tolerant plants, with no permanent irrigation. Thus, erosion from surface water runoff would be minimized with this project and there would be no impact on the public beach below. The proposed project also includes the abandonment of the existing storm drain line that currently runs under the house and discharges on the bluff. With elimination of this outfall, potential bluff and beach erosion would be further minimized. There would be no impact on local shoreline sand supply from this project. Lastly, there are no shoreline protective works included with the proposed project.

E. The proposed development will not adversely affect the city's progress guide and general plan, the local coastal program, or any other applicable adopted plans and programs in effect for this site. The proposed project consists of the remodel and expansion of an existing two-story single family residence, including guest quarters and swimming pool, and the abandonment of an existing storm drain under the house with relocation of the storm drain to the public right of way in Camino De La Costa and connection to an existing ocean outfall

approximately 150 north of the project site. The proposed project conforms with all RS-1-7 zone requirements, the proposition D Coastal Height Limitation Zone requirements, the Beach Impact Area requirements, the Local Coastal Program, and all other applicable plans and programs

III. CONDITIONAL USE --SDMC SECTION 101.0510

A. The proposed use will not adversely affect the neighborhood, the general plan, or the community plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The project consists of the remodel and expansion of an existing two-story single family residence, construction of a swimming pool, and addition of a second story guest quarters. The guest quarters is the project feature that would require a Conditional Use Permit. Several conditions have been incorporated into the permit to require that the guest quarters be used solely for the occupants of the single family residence, that it contain no kitchen facilities, and that it be limited in size in relation to the proposed expanded residence. Rental of the guest quarters is specifically prohibited by the conditions. These conditions are intended to ensure that the guest quarters will be utilized as an accessory use to the residence only, thereby maintaining the single-family character of the neighborhood. Three on-site parking spaces are required for the proposed project; one of these is required due to the guest quarters. The proposed project would not, therefore, adversely affect the neighborhood, the General Plan, or the Community Plan, and would not be detrimental to the health, safety and general welfare of persons residing or working in the area.

B. The proposed use permit will comply with all the relevant SDMC regulations. The proposed guest quarters is approximately 768 square-foot and includes two bedrooms and two bathrooms. One of the bedrooms and baths already exists above the garage. The proposed guest quarter represents approximately 11 percent of the floor area of the proposed 6,940 square-foot, single family residence. A maximum floor area of 25 percent of the primary residence is recommend within the guidelines utilized for this type of accessory use. No cooking or kitchen facilities are proposed or allowed, and the guest quarters is architecturally compatible with the primary residence. The proposed guest quarters complies with all SDMC requirements.

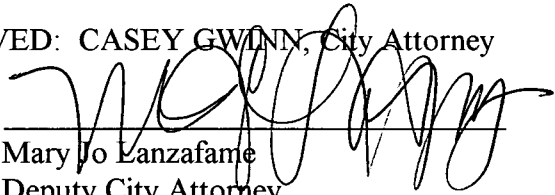
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Coastal Development Permit/Sensitive Coastal Resource/Conditional Use Permit

No. 99-0940 is granted to James Clay, Owner/Permittee, 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:pev

7/18/02

Or.Dept:Clerk

R-2002-1778

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Reviewed by Vicky Gallagher



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/ Sensitive Coastal Resource/
Conditional Use Permit No. 99-0940 (MMRP)
CLAY RESIDENCE


CITY COUNCIL

This Permit is granted by the Council of the City of San Diego to James Clay, an individual, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] sections 105.0201, 101.0480, 101.0510 et. seq. The 15,112 square foot site is located at 5832 Camino De La Costa in the RS-1-7 zone, Coastal Zone, Sensitive Coastal Resource Overlay Zone, Coastal 30' Height Limit, Beach Impact Area, First Public Roadway zone of the La Jolla Community Plan area. The project site is legally described as Lot 13 in block 2-A of La Jolla Hermosa, Map #1810 filed in the office of the County Recorder of San Diego on November 21, 1924.

Subject to the terms and conditions set forth in this permit, permission is granted to James Clay, Owner/Permittee to remodel and expand an existing 2-story single family residence with the addition of approximately 2,959 square feet, including guest quarters described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated May 14, 2002, on file in the Development Services Department. The facility shall include:

- a. The remodel and expansion of an existing two-story, single family residence to add approximately 2,959 square feet, including guest quarters, for a total of approximately 6,463 square feet;
- b. Addition of a lap pool;
- c. Abandonment of the existing storm drain under the house and construction of a new storm drain in the public right of way along Camino De La Costa to connect to an existing ocean outfall in the public right of way in Costa Place;

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- d. Landscaping (planting, irrigation and landscape related improvements);
 - e. Off-street parking facilities; and
 - f. 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 Municipal Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code 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 the Planning and Development Review 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 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 Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 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 and/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 or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated May 14, 2002, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall 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 new 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.

10. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 99-0940, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area(s): Historical Resources.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with Sections 129.0600 of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

13. The drainage system proposed for this development is subject to the approval of the City Engineer. The drainage study and design shall demonstrate that the proposed storm drain system is designed and sized in accordance with City standards.

14. Prior to the issuance of any permits, the applicant shall submit a detailed drainage plan and study prepared by a registered civil engineer for review and approval by the City Engineer.

15. Prior to the issuance of any permits, the applicant shall vacate the existing 10 foot storm drain easement. The existing storm drain shall not be abandon prior to the construction and operation of the new proposed storm drain system in the public right-of-way (Camino De La Costa).

16. Prior to the issuance of the certificate of occupancy, the applicant shall construct the drainage system and all public improvements to the satisfactory to the city engineer.

17. Prior to building occupancy, the applicant shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

PLANNING/DESIGN REQUIREMENTS:

18. No fewer than three off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated May 14, 2002, on file in the Development Services Department. Parking spaces shall comply at all times with the San Diego Municipal Code (SDMC) and shall not be converted for any other use unless otherwise authorized by the City Manager.

19. 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.

20. 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.

21. A topographical survey conforming to the provisions of SDMC section 101.0216 of the Municipal Code 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.

22. 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.

23. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Development Services Department Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

24. Prior to the commencement of any work or activities by this permit, the owner/Permittee 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 hazards from bluff erosion and the applicant assumes liability from such hazards; and b) 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 and for any damage due to natural hazards. The Notice of Hazardous Conditions-Indemnification and Hold Harmless Agreement shall be recorded against title of the property and shall run with the land, binding upon all successor and assigns.

25. All drainage from the improvement of the site shall be directed away from any bluff and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or right of way designated to carry surface drainage run-off. All surface drainage from the unimproved area of the site shall be appropriately collected or conveyed and discharged in order to effectively reduce, control, or mitigate any identified erosion problem in an appropriate manner.

26. The bluff face, including all the area between the toe of the existing bluff and the bluff edge shall be conserved through a deed restriction, open space easement or other suitable instrument acceptable to the City Manager.

27. The guest quarters shall not contain a kitchen or facilities for the storage or preparation of food. The guest quarters shall not be rented, leased, or sold as a separate dwelling unit.

28. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

29. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

30. 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.

31. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

32. No merchandise, material or equipment shall be stored on the roof of any building.

33. 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.

34. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC regulations) 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 May 14, 2002, on file in the Development Services Department.

LANDSCAPE REQUIREMENTS:

35. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

36. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Technical Manual

(including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with "Exhibit A," dated May 14, 2002, on file in the Development Services Department.

37. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Technical Manual Section 7 and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 99-0940 (including Environmental conditions) and "Exhibit A," dated May 14, 2002, on file in the Development Services Department.

38. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

39. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

40. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

41. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or prior to final inspection.

43. All irrigation systems (existing and proposed) within forty feet of the coastal bluff edge shall incorporate the following items:

- a. Include and install a City-approved automatic rain shut-off device.
- b. Include and install a City approved moisture-sensing device for turf irrigation circuits.
- c. Include and install low precipitation rate nozzles. Heads shall be located to minimize overspray. Adjustment and timing of the heads shall be coordinated to reduce the potential for run-off.
- d. Include and install an irrigation electronic controller. The controller shall be seasonally adjusted to operate the system with the least practical amount of water applied (minimum evapotranspiration rate).

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on May 14, 2002, by Resolution No. R-296506.

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.

JAMES CLAY
Owner/Permittee

By _____

By _____

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

R. 296506