

RESOLUTION NUMBER R-296740

ADOPTED ON JUNE 25, 2002

WHEREAS, La Jolla Shores, L.P., Owner/Permittee, filed an application with the City of San Diego for Coastal Development Permit [CDP] No. 5134/Planned Development Permit [PDP] No. 5133/Site Development Permit [SDP] No. 5135 to demolish existing motels, a restaurant, and commercial structures; to vacate a portion of Chelsea Avenue; to vacate Colima Street between La Jolla Boulevard and Chelsea Avenue; to vacate an existing sewer easement; and to construct a mixed use residential/commercial project known as the Inn at La Jolla Condominiums project, located at 5450 La Jolla Boulevard, and legally described as Fractional Block "B" of Bird Rock Villas Map No. 1563 and All of Block "A" of Bird Rock Villas, Map No. 1563, together with all that portion of the unnamed alley lying within said Block "A" as vacated and closed to public use, in the La Jolla Community Plan area, in the Zone 4 of the La Jolla Planned District, RM-5-12, RM-3-7, the Coastal Overlay, Coastal Height Limitation Overlay and the Parking Impact Overlay zones; and

WHEREAS, on March 7, 2002, the Planning Commission of the City of San Diego considered CDP No. 5134/PDP No. 5133/SDP No. 5135 and pursuant to Resolution No. 3241-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on June 25, 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 No. 5134/PDP No. 5133/SDP No 5135:

COASTAL DEVELOPMENT PERMIT

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The subject property is located approximately one-eighth of a mile from the Pacific Ocean. The site is comprised of two, relatively flat lots which are bounded by Midway Street to the north, private residential development to the south, La Jolla Boulevard to the east and Chelsea Avenue to the west. The area of the project site between Midway Street and the portion of Colima Street to be vacated, is identified in the adopted La Jolla-La Jolla Shores Local Coastal Program Land Use Plan Addendum as an area with high potential for visual access in commercial development. The Local Coastal Program does not identify the project site as a visual access corridor. The proposed project will include the dedication of a public access easement west of La Jolla Boulevard, along the natural extension of Colima street to the east of La Jolla Boulevard, in order to enhance public views. This access easement will lead to a scenic overlook. The site is not located along any existing or proposed public accessways identified in the adopted La Jolla-La Jolla Shores Local Coastal Program. The construction would occur on private property and will conform with Land Development Code requirements.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project site is located within an urbanized area of La Jolla and does not contain environmentally sensitive lands. Therefore, the proposed demolition of the existing unit and construction of the mixed-use, residential and commercial project, including 139 condominium units, would not adversely affect these resources. A Mitigated Negative Declaration has been prepared for this project, in accordance with State CEQA Guidelines, to reduce any potential impacts to noise, hydrology/water quality, paleontological resources and historic resources (archeology), to a level below significance.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed demolition of existing motels, restaurant, and commercial structures and the vacation of a portion of Chelsea Avenue, the vacation of Colima Street between La Jolla Boulevard and Chelsea Avenue, the vacation of an existing sewer easement, and the construction of a mixed residential/commercial project, including 139 residential condominium units, have been designed to conform with the adopted La Jolla-La Jolla Shores Local Coastal Program Addendum. Further, the project is consistent with the recommended residential land use, design guidelines, and development standards in effect for this site per the adopted La Jolla Community Plan and the City of San Diego Progress Guide and General Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site is not located between the nearest public road and the sea, nor the shoreline of any body of water located within the Coastal Overlay zone, and is not required to demonstrate conformance with the public access and recreation policies of the California Coastal Act as required by this finding.

PLANNED DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The project site is located south of Midway Street and west of La Jolla Boulevard at 5450 La Jolla Boulevard in the Zone 4 of the La Jolla Planned District, the RM-5-12 zone, the RM-3-7 zone, the Coastal Overlay (nonappealable area), the Coastal Height Limitation Overlay and the Parking Impact Overlay zones of the La Jolla Community Planning area. The proposed project is located in areas identified as Neighborhood Commercial and Medium Density Residential in the La Jolla Community Plan. The Commercial Element of that Plan specifies that in the area known as Bird Rock, commercial uses should be encouraged to provide off-street parking which doesn't require curb cuts along La Jolla Boulevard. The Plan further states that the neighborhood commercial center should serve primarily as small neighborhood convenience centers and that the area of commercial should be limited to the existing commercially zoned area. The proposed project complies with the recommendations of the La Jolla Community Plan as the access to the 5,900 square feet of commercial use is from one centrally located driveway, serving both the commercial and residential uses. The commercial uses are limited to the Neighborhood Commercial portion of the site.

The La Jolla Community Plan designates the area south of the Neighborhood Commercial as Medium Density residential (14-43 dwelling units/acre). The project proposes to distribute the density of the residential units without regard to existing lot boundaries. In the area designated as residential, the project complies with the La Jolla Community Plan, as it proposes to provide thirty-four dwelling units/acre in this area, and thirty-three dwelling units/acre overall.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would demolish two existing motels, a restaurant, and commercial structures, would vacate a portion of Chelsea Avenue, Colima Street between La Jolla Boulevard and Chelsea Avenue, and an existing sewer easement; and would provide for the construction of a mixed residential/commercial project. The project would consist of fourteen, one-, two- and three-story buildings with subterranean parking to total approximately 265,070 square feet of gross floor area, with 5,900 square feet of commercial use and 259,170 square feet of multifamily residential use, including 139 dwelling units. The project site is located in Zone 4 of the La Jolla Planned District, the RM-5-12 zone and the RM-3-7 zone, where multiple residential units and commercial/residential projects are permitted uses. Commercial uses are desired in Zone 4 of the La Jolla Planned District and multiple residential units are desired improvements in this area where housing is a desired asset. The development of the proposed project would not be detrimental to the public health, safety, and welfare.

The project will comply with all relevant regulations of the City of San Diego's Municipal Code, the Uniform Building, Electrical, Mechanical, and Fire Codes addressing the public health, safety, and general welfare. The conditions of approval for the project require continued compliance with these regulations during construction and during the use of the site.

3. The proposed development will comply with the regulations of the Land Development Code. The proposed 139 new residential condominium units and commercial use development will comply with most of the applicable regulations of Zone 4 of the La Jolla Planned District, the RM-5-12, and the RM-3-7 zones, including height, floor area ratio, and onsite parking spaces.

The proposed project would include the density being distributed without regard to existing lot boundaries as permitted by the Planned Development Permit. The residential uses on site are regulated as follows: Zone 4 of the La Jolla Planned District allows a dwelling unit density of twenty-nine dwelling units/acre, or seventeen dwelling units. The RM-5-12 zone allows one dwelling unit/1,500 square feet of lot area, or sixty-four dwelling units. The RM-3-7 zone allows one dwelling unit/1,000 square feet of lot area, or sixty dwelling units. The 139 proposed total dwelling units would be distributed as follows: twenty-one units in Zone 4, sixty-four units in the RM-5-12 zone and fifty-four units in the RM-3-7 zone.

The project would deviate from setbacks on La Jolla Boulevard and the maximum driveway width. The required front yard setback along La Jolla Boulevard varies from 0' in Zone 4, to 15'-0" in the RM-5-12 zone and 20'-0" standard and 10'-0" minimum in the RM-3-7 zone. The proposed project deviates in the RM-5-12 and the RM-3-7 zones with a minimum setback of 5'-0." The driveway proposed for access to the project is 34'-0" in width where 20'-0" maximum is allowed.

The proposed project complies with the Coastal Height Limitation Overlay zone and the La Jolla Community Plan. Condition No. 19 of the Coastal Development Permit/Planned Development Permit/Site Development Permit, will require compliance with this regulation. The permit will be recorded on the title of the property and all conditions will run in perpetuity for the life of the project.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed 139 residential condominium units and 5,900 square feet of commercial space project would provide a quality architectural development prominent in the Bird Rock area of La Jolla. The project fulfills the stated La Jolla Community Plan goal for Planned Developments by achieving a density approaching the maximum legally allowed in the underlying zone, while also providing a significant benefit to the public. The proposed project would include the dedication of a public access easement west of La Jolla Boulevard, along the natural extension of Colima street to the east of La Jolla Boulevard. The public access easement would lead to a scenic overlook. Although the dedicated portion would be at five feet in width, the developer is proposing that separation of buildings in this area remain at greater than twenty feet, to further enhance a possible public view. In addition, the developer, through design, has provided two additional views through the development site. There would be a 40'-0" wide view

at the driveway entrance, central to the site, and there would be a 20'-0" wide view at a new sewer easement, next to the residential development to the south.

The project also utilizes a single access to the site and eliminates nine curb cuts on La Jolla Boulevard, as promoted within the Plan. The proposed project provides needed residential units in the La Jolla area and will be beneficial to the community.

5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The proposed project requests deviations from the required front yard setback and the maximum driveway width regulations of the Land Development Code. The Land Development Code specifies the required front yard setback along La Jolla Boulevard as varying from 0' in Zone 4, to 15'-0" in the RM-5-12 zone and 20'-0" standard and 10'-0" minimum in the RM-3-7 zone. The proposed project deviates in the RM-5-12 and the RM-3-7 zones with a minimum setback of 5'-0." The setback deviation is provided to enhance the street presence of the project and to foster a walkable community. In addition the driveway proposed for access to the project is 34'-0" in width where 20'-0" maximum is allowed. The wider driveway is proposed to provide improved access for the number of units and commercial space proposed. The project would close nine existing driveways and install two new driveways which would provide more on street parking.

The proposed project complies with the Coastal Height Limitation Overlay zone and the La Jolla Community Plan.

SITE DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan.

The project site is located south of Midway Street and west of La Jolla Boulevard at 5450 La Jolla Boulevard in the Zone 4 of the La Jolla Planned District, the RM-5-12 zone, the RM-3-7 zone, the Coastal Overlay (nonappealable area), the Coastal Height Limitation Overlay and the Parking Impact Overlay zones of the La Jolla Community Planning area. The proposed project is located in areas identified as Neighborhood Commercial and Medium Density Residential in the La Jolla Community Plan. The Commercial Element of that Plan specifies that in the area known as Bird Rock, commercial uses should be encouraged to provide off-street parking which doesn't require curb cuts along La Jolla Boulevard. The Plan further states that the neighborhood commercial center should serve primarily as small neighborhood convenience centers and that the area of commercial should be limited to the existing commercially zoned area. The proposed project complies with the recommendations of the La Jolla Community Plan as the access to the 5,900 square feet of commercial use is from one centrally located driveway, serving both the commercial and residential uses. The commercial uses are limited to the Neighborhood Commercial portion of the site.

The La Jolla Community Plan designates the area south of the Neighborhood Commercial as Medium Density residential (14-43 dwelling units/acre). The project proposes to distribute the density of the residential units without regard to existing lot boundaries. In the area designated as

residential, the project complies with the La Jolla Community Plan, as it proposes to provide thirty-four dwelling units/acre in this area, and thirty-three dwelling units/acre overall.

The project fulfills the stated La Jolla Community Plan goal for Planned Developments by achieving a density approaching the maximum legally allowed in the underlying zone while also providing a significant benefit to the public. The proposed project would include the dedication of a public access easement west of La Jolla Boulevard, along the natural extension of Colima street to the east of La Jolla Boulevard. The public access easement would lead to a scenic overlook. Although the dedicated portion would be at five feet in width, the developer is proposing that separation of buildings in this area remain at greater than twenty feet, to further enhance a possible public view. In addition, the developer, through design, has provided two additional views through the development site. There would be a 40'-0" wide view at the driveway entrance, central to the site, and there would be a 20'-0" wide view at a new sewer easement, next to the residential development to the south.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would demolish two existing motels, a restaurant, and commercial structures; would vacate a portion of Chelsea Avenue, Colima Street between La Jolla Boulevard and Chelsea Avenue, and an existing sewer easement; and would provide for the construction of a mixed residential/commercial project. The project would consist of 14, one, two and three story buildings with subterranean parking to total approximately 265,070 square feet of gross floor area, with 5,900 square feet of commercial use and 259,170 square feet of multifamily residential use, including 139 dwelling units. The project site is located in Zone 4 of the La Jolla Planned District, the RM-5-12 zone and the RM-3-7 zone, where multiple residential units and commercial/residential projects are permitted uses. Commercial uses are desired in Zone 4 of the La Jolla Planned District and multiple residential units are desired improvements in this area where housing is a desired asset. The development of the proposed project would not be detrimental to the public health, safety, and welfare.

The project will comply with all relevant regulations of the City of San Diego's Municipal Code, the Uniform Building, Electrical, Mechanical, and Fire Codes addressing the public health, safety, and general welfare. The conditions of approval for the project require continued compliance with these regulations during construction and during the use of the site.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed 139 new residential condominium units and commercial use development will comply with most of the applicable regulations of Zone 4 of the La Jolla Planned District, the RM-5-12, and the RM-3-7 zones, including height, floor area ratio, and onsite parking spaces.

The proposed project would include the density being distributed without regard to existing lot boundaries as permitted by the Planned Development Permit. The residential uses on site are regulated as follows: Zone 4 of the La Jolla Planned District allows a dwelling unit density of twenty-nine dwelling units/acre, or seventeen dwelling units. The RM-5-12 zone allows one dwelling unit/1,500 square feet of lot area, or sixty-four dwelling units. The RM-3-7

zone allows one dwelling unit/1,000 square feet of lot area, or sixty dwelling units. The 139 proposed total dwelling units would be distributed as follows: twenty-one units in Zone 4, sixty-four units in the RM-5-12 zone and fifty-four units in the RM-3-7 zone.

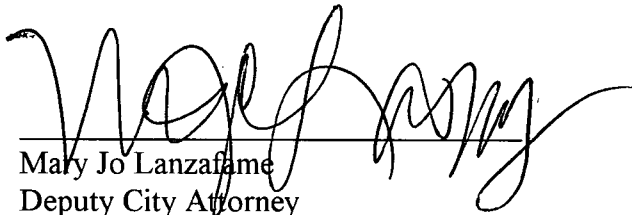
The project would deviate from setbacks on La Jolla Boulevard and the maximum driveway width. The required front yard setback along La Jolla Boulevard varies from 0' in Zone 4, to 15'-0" in the RM-5-12 zone and 20'-0" standard and 10'-0" minimum in the RM -3-7 zone. The proposed project deviates in the RM-5-12 and the RM-3-7 zones with a minimum setback of 5'-0." The driveway proposed for access to the project is 34'-0" in width where 20'-0" maximum is allowed. The project would close nine existing driveways and install two new driveways in order to provide more on street parking as recommended in the Community Plan.

The proposed project complies with the Coastal Height Limitation Overlay zone and the La Jolla Community Plan. Condition No. 19 of the Coastal Development Permit/Planned Development Permit/Site Development Permit, will require compliance with this regulation. The permit will be recorded on the title of the property and all conditions will run in perpetuity for the life of the project.

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 No. 5134/Planned Development Permit No. 5133/ Site Development Permit No. 5135 is granted to La Jolla Shores, L.P., 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
8/7/02
Or.Dept:Clerk
R-2002-1812
Form=permitr.frm
Reviewed by Jeannette Temple

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

PROJECT NO. 1097
COASTAL DEVELOPMENT PERMIT NO. 5134/PLANNED DEVELOPMENT
PERMIT NO. 5133/SITE DEVELOPMENT PERMIT NO. 5135
INN AT LA JOLLA CONDOMINIUMS (MMRP)
CITY COUNCIL

This Permit is granted by the City Council of the City of San Diego to La Jolla Shores L.P., a California Limited Partnership, Owner/Permittee pursuant to the Land Development Code of the City of San Diego. The approximately 4.20 acre site is located at 5450 La Jolla Boulevard in the Zone 4 of the La Jolla Planned District, RM-5-12, RM-3-7, the Coastal Overlay, Coastal Height Limitation Overlay and the Parking Impact Overlay zones of the La Jolla Community Plan area. The project site is legally described as Fractional Block "B" of Bird Rock Villas, Map No. 1563 and All of Block "A" of Bird Rock Villas, Map No. 1563, together with all that portion of the unnamed alley lying within said Block "A" as vacated and closed to public use.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of existing motels, restaurant, and commercial structures, the vacation of a portion of Chelsea Avenue, the vacation of Colima Street between La Jolla Boulevard and Chelsea Avenue, the vacation of an existing easement, and the construction of a mixed residential/commercial project. The project would consist of fourteen, one-, two- and three-story buildings with subterranean parking to total approximately 265,070 square feet of gross floor area, with 5,900 square feet of commercial use and 259,170 square feet of multifamily residential use including 139 dwelling units. described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated June 25, 2002, on file in the Development Services Department. The facility shall include:

- a. Demolition of existing motels, a restaurant, and commercial structures
- b. Construction of thirteen, two- and three-story buildings with subterranean parking to total approximately 264,650 square feet of gross floor area, with 5,900 square feet of

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- commercial use and 258,750 square feet of multifamily residential use, including 139 dwelling units;
- c. Construction of a one-story, 420-square foot pool building and an underground pool and spa;
 - 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 Land Development Code in effect for this site.

2. 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 San Diego Municipal Code [SDMC]/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

3. 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 Development Services Department; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

4. 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.

5. 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.

6. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. The issuance of this Permit by The City of San Diego does not authorize the Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [EAS], and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. At all bus stops within the project area, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

10. 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 June 25, 2002, on file in the office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner/Permittee 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/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such 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" conditions(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.

12. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

13. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit "A," dated June 25, 2002, on file in the Development Services Department).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report or Mitigated Negative Declaration No. 41-0481, 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 areas:

- Noise
- Historical Resources (Archaeology)
- Paleontological Resources
- Hydrology/Water Quality

PLANNING/DESIGN REQUIREMENTS:

15. No fewer than 323 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated June 25, 2002, on file in the Development Services Department. Ten vehicle parking spaces shall be provided at grade for the commercial use and 272 vehicle parking spaces shall be provided for the residential uses in the subterranean garage. Parking spaces shall comply at all times with requirements of the SDMC/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

16. The ten proposed surface parking spaces shall be reserved for retail use by appropriate signage and marking, satisfactory to the City Manager and the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee will provide a minimum five foot wide, unobstructed public access easement with a disabled-accessible pathway from the public sidewalk on the west side of La Jolla Blvd to a publically-accessible Scenic Overlook near the westerly site bluff edge. This easement shall be generally in alignment with Colima Street, as it exists on the east side of La Jolla Blvd. A small (approximately one foot square) sign will

identify this publically-accessible Scenic Overlook at the juncture of the public sidewalk and the pathway.

18. Prior to issuance of any grading permit, the Owner/Permittee shall prepare photographs of the site, buildings, and construction and ornamental details, along with a site plan and a landscape plan at 1/4" or other scalable size of the existing development. The information, when submitted shall be turned over to the La Jolla Historical Society 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 and the Coastal Height Limitation Overlay 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 the SDMC/Land Development 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. All signage associated with this project shall comply with City-wide sign regulations, except for that portion within the La Jolla Planned District which shall comply with the La Jolla Commercial and Industrial Sign Control District.

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

26. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
27. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
28. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Storage for the Commercial uses must comply with the regulations for such use in the La Jolla Planned District Ordinance.
29. 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.
30. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (Land Development 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 June 25, 2002, on file in the Development Services Department.
31. If public improvement plans for traffic control and/or calming improvements at the intersections of Midway Street and La Jolla Boulevard and Colima Street and La Jolla Boulevard are approved by the City Engineer within three years of the approval of this permit, the applicant shall construct said improvements. If such plans are not approved within three years, applicant shall pay the City of San Diego \$300,000 in satisfaction of this condition.
32. An area shall be reserved on site to accommodate intersection improvements including without limitation, a roundabout at Colima Street and La Jolla Boulevard and Midway Street and La Jolla Boulevard consistent with the traffic calming program referenced in the previous Condition No. 31 with an arc into the property with its greatest distance not to exceed ten feet from the existing property line.
33. Applicant shall reserve space for public art on the Southwest corner of Midway Street and La Jolla Boulevard.
34. Exhibit "A," dated June 25, 2002, on file in the Development Services Department, shall include both computer simulations of Chelsea Avenue and Midway Street with respect to building and as a condition for building massing.

LANDSCAPE REQUIREMENTS:

35. No change, modification, or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the Land Development Code and Landscape Standards, Exhibit "A," dated June 25, 2002, on file in the Development Services Department.
36. All required landscape plant materials shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to it's mature height and spread.
37. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards. A Landscape Maintenance Agreement and bond shall be entered into prior to issuance of any grading or construction permit. The agreement and bond shall be renewed each year until such time that another approved entity assumes responsibility such as a home owners association or a Landscape Maintenance District.
38. If any required landscape improvements (including but not limited to, existing or new planning, hardscape, landscape features) are damaged or removed during demolition or construction, they shall be repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within thirty days of damage and prior to any Certificate of Occupancy.
39. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape Improvement plans shall indicate each street tree by station points and staking in the field with a lodge pole tree stake prior to any utilities stub-outs. Tree stakes shall remain in place until trees are planted.
40. All tree locations shall have a forty square feet minimum area around each tree's root zone, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of any tree. During improvement activities the locations of all trees shall be identified with a lodge pole tree stake and inspected by the field engineer prior to the installation of any wet or dry utility stub-outs and placement of any pavement.
41. Prior to issuance of any engineering permits for grading, landscape construction documents (including irrigation plans) for slope planting, erosion control, re-vegetation and hydroseeding shall be submitted to the City Manager for approval.

42. Immediate installation of slope planting and erosion control, including seeding of all disturbed land (slopes and pads) and associated irrigation systems (temporary and/or permanent) is considered to be in the public's interest. Planting of all graded slopes shall be accomplished prior to any issuance of a build permit for structures. A letter of substantial conformance from the landscape architect or designer shall be submitted to the City Manager for approval.

43. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape improvements and obtain all required landscape inspections. A No Fee Street Tree Permit, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

44. In the event that a Foundation Only permit is requested by the Permittee or subsequent Owner, a staking layout plan identifying all landscape areas shall be submitted to the City Manager for approval. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "Planting Area (PA)."

45. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval.

ENGINEERING REQUIREMENTS:

46. The Permit shall comply with the conditions of the final map for the Inn at La Jolla Condominiums, Vesting Tentative Map No. 5136.

47. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, half width improvements along project frontage on La Jolla Boulevard including thirty-nine feet of pavement, curb, gutter and 5-foot sidewalk within 10-foot curb to property line distance, satisfactory to the City Engineer. However, applicant can enter into a deferred improvement agreement with City of San Diego for this improvement.

48. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, improvements along project frontage on Chelsea Avenue to provide minimum of 28 feet pavement (with no parking allowed on the east side of the roadway) with proper transition to meet the existing curb line on the south side of the project, curb, gutter and 4-foot sidewalk within a 9'-0" to 10'-0" foot curb to property line distance, satisfactory to the City Engineer.

49. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, replacement of all abandoned driveways on La Jolla Boulevard and Midway Street along project frontage, satisfactory to the City Engineer.

50. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, applicant shall construct full height curb, gutter and 5-foot sidewalk within 10-foot curb to property line distance along La Jolla Boulevard where Colima Street being vacated, satisfactory to the City Engineer.

51. Prior to the issuance of the first building permit applicant should provide "No Parking Anytime" signs on the east side of Chelsea Avenue along project frontage where the pavement width does not exceed thirty-four feet curb to curb, satisfactory to the City Engineer.

52. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, the construction of a raised center median along project frontage on La Jolla Boulevard, satisfactory to the City Engineer. However, applicant can enter into a deferred improvement agreement with City of San Diego for this improvement.

53. The applicant shall install bollards/gate which can only be accessible to the City at the southerly 12'-0" driveway on La Jolla Boulevard for accessing the sewer facilities. The bollards/gate shall be located at least 20'-0" from the propertyline, satisfactory to the City Engineer.

54. Prior to the issuance of any building or grading permits, the developer shall abandon the existing 21" sewer main that traverses the site, or obtain special approval, satisfactory to the Metropolitan Wastewater Department Director.

55. The developer shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

56. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

57. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and grants of appropriate easements, and the removal of existing unused services adjacent to the project site within the La Jolla Boulevard and Chelsea Avenue rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer. No new water services shall be tapped from the water facilities within the Chelsea Avenue right-of-way.

58. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the cut and plug of the existing public water facilities located within the Colima Street right-of-way to be vacated, in a manner satisfactory to the Water Department Director and the City Engineer.

59. All on-site water facilities shall be private including domestic, irrigation, and fire systems.

60 The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibits "A," dated June 25, 2002, on file in the Development Services Department, shall be modified at final engineering to comply with standards.

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 by Resolution No. R-296740 on June 25, 2002.

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.

LA JOLLA SHORES, L.P.
Owner/Permittee

By _____

By _____

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

R - 296740