

RESOLUTION NUMBER R- 313489

DATE OF FINAL PASSAGE APR 06 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING COASTAL DEVELOPMENT
PERMIT NO. 2420518 AND SITE DEVELOPMENT PERMIT
NO. 2420515 FOR BERMUDA AVENUE COASTAL ACCESS
REPLACEMENT – PROJECT NO. 650686.

WHEREAS, City of San Diego's Engineering and Capital Projects Department, a Municipal Corporation, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit and Site Development Permit to replace an existing coastal access stairway known as the Bermuda Avenue Coastal Access Replacement project, located at 3847 Bermuda Avenue, and legally described as portions of Bermuda Avenue and Ocean Boulevard adjacent to Block 43 of Map of Ocean Beach in the City of San Diego, State of California according to Map thereof No. 279 recorded in the Office of the County Recorder of San Diego County, May 28, 1887, in the Ocean Beach Community Plan and Local Coastal Program area, in the Multiple Dwelling Residential (RM 2-4), Coastal (Appealable) Overlay zones; and

WHEREAS, on October 28, 2020, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15302 (Replacement or Reconstruction); and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on April 6, 2021, 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 Coastal Development Permit No. 2420518 and Site Development Permit No. 2420515:

I. COASTAL DEVELOPMENT PERMIT – SECTION 126.0708

A. Findings for all Coastal Development Permits

1. The proposed coastal development will not encroach upon any existing physical accessway 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. Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The Ocean Beach Community Plan and Local Coastal Program's (Community Plan) Conservation Element calls for the maintenance and enhancement of physical public access to the coastline in order to facilitate greater public use and enjoyment of the natural amenities. The failed stairway is the existing physical accessway that is legally used by the public and its reconstruction will facilitate safe public coastal access as identified in the Community Plan.

The proposed coastal development is visually compatible with the character of the surrounding bluffs. The degraded stairway shall be reconstructed to enhance and protect public views along the ocean as specified in the Community Plan. Replacement of an open chain link fence will not impede access to the stairway entrance or restrict coastal views.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the

stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The coastal development being proposed is located on City-owned property that contains sensitive coastal bluffs and shall comply with the Environmentally Sensitive Lands (ESL) Regulations under San Diego Municipal Code (SDMC) section 143.0110. Uses allowed within ESL per SDMC section 143.0130(a)(9) include public stairways, ramps, and other physical beach access facilities, as identified within an applicable land use plan.

The proposed improvements have been designed to minimize disturbance to the adjacent bluffs and is not anticipated to modify the configuration of the existing cliff, to destabilize or result in settlement of adjacent property of the right-of-way, nor add surcharge on existing improvements or structures. The limits of work will be marked prior to construction to protect the coastal bluff from disturbance and will not adversely affect ESL.

A Biological Technical Report (Report), July 2020, was prepared for the site and accepted by the City staff. The Report reviewed the existing onsite vegetation and areas of potential impact and potential project impacts. The potential impacts were evaluated against the eight significance criteria outlined in the City's CEQA Significance Determination Thresholds (City 2016). Mitigation is not required for impacts to habitat communities as a result of the project. However, the project will implement pre-construction avoidance and minimization measures to ensure that construction fencing and Best Management Practices (BMPs) are installed correctly. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

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. Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The proposed development project will implement the recommendations of the Community Plan by preserving and protecting limited public access points to the beach identified as important resources. The Community Plan does not contain specific recommendations for the site, but does identify the need to provide and maintain beach access. A key component for adequate access is the maintenance of existing facilities including stairways, pathways, and parking areas. This project will protect the adjacent bluffs through replacement of the failed stairway, providing a defined point of access to the beach at this location.

The project is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. SDMC section 143.0143(h) permits essential public facilities including stairways and other physical beach access facilities on a coastal bluff face if identified in an approved Land Use Plan and provided

the facility is designed to minimize impacts to the bluff face and beach area. Vertical coastal access from the street to the shoreline is identified in the Community Plan. The project proposes a stairway to restore access to the beach and is designed to minimize impacts to the bluff face and beach area. Specifically, the proposed improvements have been designed to minimize disturbance to the adjacent bluffs and is not anticipated to modify the configuration of the existing cliff, to destabilize or result in settlement of adjacent property of the right-of-way, nor add surcharge on existing improvements or structures. The limits of work will be marked prior to construction to protect the coastal bluff from disturbance and will not adversely affect the coastal bluff.

As the project complies with the recommendations of the Community Plan and is designed to meet all applicable regulations, 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.

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.

Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The project location is between the first public roadway and the shoreline. The project is designed to provide safe pedestrian access to the beach as it will reconstruct the existing failed stairway to a safe condition. Section 30211 of the California Coastal Act requires that no development interfere with the public's right to access the sea, the use of dry sand and the use of rock coastal beaches up to the first line of terrestrial vegetation. The purpose and intent of Section 30211 is to ensure that the public can access the sea and its associated rock coastal beaches. The project will replace the stairway and portions of the fence and walkway thereby enhancing public access from Bermuda Avenue to the shoreline at this location. The Bermuda Avenue vertical access point had been deemed unsafe due to its state of deterioration, creating hazardous conditions for would be users. Currently, the Bermuda Ave vertical coastal access point fails to provide safe public access. Based on the proposed improvement to public access, the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

II. SITE DEVELOPMENT PERMIT – SECTION 126.0505

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary

demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The Conservation Element of Community Plan has a goal to maintain and enhance physical public access to the coastline. Per the Community Plan, access to the coastal bluff areas south of the Ocean Beach pier is problematic. Reconstruction of the existing failed stairway to a safe condition for public use will improve physical coastal access from Bermuda Avenue to the shoreline consistent with that goal. The replacement of the failed stairway and damaged sidewalk and fencing will also enhance the visual aesthetics of the existing public facility. Therefore, the proposed project will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The project has been designed in conformance with all applicable City, state, and federal codes, policies, and regulations whose primary focus is the protection of the public health, safety, and welfare. The proposed improvements have been designed to minimize disturbance to the adjacent bluffs and is not anticipated to modify the configuration of the existing cliff, to destabilize or result in settlement of adjacent property of the right-of-way, nor add surcharge on existing improvements or structures. Based on the subsurface conditions encountered in the boring and test pits, Cast-In-Drilled-Hole (CIDH) piles and raft foundation as proposed are considered suitable to provide support for the proposed stairway. Further, the project will support continued physical coastal access from Bermuda Avenue to the shoreline. The Bermuda Avenue vertical access point had been deemed unsafe due to its state of deterioration, creating hazardous conditions for would be users. Currently, the Bermuda Ave vertical coastal access point does not provide safe public access. The project is designed to provide safe pedestrian access to the beach as it will reconstruct the existing failed stairway to a safe condition. Thus, the project will not be detrimental to public health, safety, or welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The project is subject to ESL and Landscape Regulations of the SDMC due to impacts to sensitive coastal bluffs. This proposed stairway reconstruction has been designed in accordance with the applicable regulations of the Land Development Code to minimize alteration of the adjacent sensitive bluffs and topographically resemble natural landforms of the surrounding area.

The earthwork operations for the project will be performed in accordance with the proposed site plan and specifications for the project, the applicable provisions of the City of San Diego Grading Ordinance, and Section 300 of the latest edition of Standard Specifications for Public Works Construction (SSPWC, known as the "Green Book"). Per the ESL regulations, coastal development on premises containing sensitive coastal bluffs is subject to SDMC section 143.0143(g) and (h) and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual. Development on the face of a sensitive coastal bluff shall only be allowed if it is consistent with the design standards in Section II of the Land Development Code for Coastal Bluffs and Beaches Guidelines. Design standards for development on coastal bluffs allow for development of public physical beach access facilities.

The new stairway will consist of concrete block stairs founded in rock at the lowest flight. The upper two flights will be comprised of stainless steel stringers with redwood planks and intermediate concrete landings supported on pile foundations. The new stairway will consist of piles and footing in Point Loma Foundation and will be independent of the seawall.

The project will result in permanent impacts to approximately 0.006-acre of coastal beach and 0.002-acre of sensitive coastal bluff. Temporary impacts to sensitive coastal bluff will include approximately 0.001-acres for grading and 0.0004-acre for demolition of the existing staircase. Replacement of the staircase will mostly impact urban/developed areas with minor impacts to disturbed habitat (bare ground) and non-native vegetated communities. None of the habitat communities are considered sensitive biological resources as defined under the City's Land Development Code (Biology Guidelines, 2018).

Impacts to non-vegetated ESL include removal of the existing staircase on the beach and improvements to the existing sea walls, which are considered sensitive coastal bluffs. Pursuant to SDMC section 143.0130(a) and (b), the project is considered a permitted use within sensitive coastal bluff areas and coastal beach areas. Mitigation is not required for impacts to non-vegetated ESL. However, the project will implement pre-construction avoidance and minimization measures to ensure that construction fencing and BMPs are installed correctly.

The project does not request or require any deviations; therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

B. Supplemental Findings – Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. Construction of the Bermuda Avenue coastal access replacement project

consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The stairway has deteriorated after years of service in the erosive coastal environment, and the lower flight of the stairway has failed. The new stairway will consist of concrete block stairs founded in rock at the lowest flight. The upper two flights will be comprised of stainless steel stringers with redwood planks and intermediate concrete landings supported on pile foundations. In order to replace the stairway, the existing structure will be demolished and removed from the site. Existing nonnative vegetation and disturbed habitat (bare ground) on the surrounding coastal bluff will be cleared and grubbed in preparation for construction activities.

The siting of the project is already established since there is a history of physical coastal access from Bermuda Avenue to the shoreline via stairway at this location. Additionally, the physical coastal access stairway is suitable for the location to allow vertical access from Bermuda Avenue to the shoreline. The proposed improvements have been designed to minimize disturbance to the adjacent bluffs and is not anticipated to modify the configuration of the existing cliff, to destabilize or result in settlement of adjacent property of the right-of-way, nor add surcharge on existing improvements or structures. The proposed improvements are the minimum necessary to replace the stairway, protect the coastal bluff, and provide safe public access.

The project has been designed to avoid impacts to the existing seawall and minimize disturbance to the existing sensitive coastal bluff to the greatest extent feasible. Therefore, the project will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. Construction of the Bermuda Avenue coastal access replacement project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The proposed project is located on a coastal bluff overlooking the Pacific Ocean, beach areas, and within developed areas at the western terminus of Bermuda Avenue. The project is surrounded by single, and multi-family residences at the top of the stairway and is not located within the City's Brush Management Zone (BMZ).

The proposed stairway consists of four landings and three flights of stairs. The top and second landing will be supported by CIDH piles that are embedded into geologic point loma formation. The third and bottom landing will be supported on a concrete footing, that will extend into point loma formation. The proposed project design will avoid impacts to the seawall by

locating the piles and footing straight into formation. In addition, the project will protect-in-place the seawall during construction. This design approach will provide a facility that minimizes impacts to the bluff face on the sensitive coastal bluff.

The project site is within the underlying Geologic Hazard Zone 43 (Coastal Bluff) which is defined by the SDMC as “generally unstable: unfavorable jointing, local high erosion” and 52 (Other Terrain) which is defined as “other level areas, gently sloping to steep terrain, favorable geologic structure, low risk.” A Report of Geotechnical Investigation was prepared for the City by Allied Geotechnical Engineers, Inc., dated February 18, 2020. The report concludes that neither classifications are anticipated to detrimentally impact the proposed project. In addition, the report also concludes that the formational soils underlying the project site are not considered to be susceptible to landslides. Therefore, landslides are not considered a significant risk at the project site. Lastly, bluff erosion and periodic rock falls on the sea cliffs are an ongoing concern at the project site. However, the proposed project is not anticipated to increase the risk of bluff erosion and periodic rock falls since the improvement of the stairway will protect the slope from erosion and control disturbance from pedestrians climbing on the bluffs.

With the exception of the beach, the project site is within the San Diego County FEMA Flood Insurance Rate Map (FIRM) Zone X, which is defined as “areas determined to be outside the 500-year floodplain.” The geotechnical report also concluded that the potential for flooding damage at the project site is considered low. In addition, the project is not located within a tsunami inundation area.

The project will minimize disturbance to natural landforms by designing the proposed improvements independent of the existing seawall. Therefore, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. See Coastal Development Permit Finding A.2. and Site Development Permit finding B.1.

The project’s new stairway is a self-supporting structure independent of the seawall and the landings will be supported on pile foundations. In order to replace the stairway and sidewalk, work will occur where existing improvements are located on the coastal bluff. Coastal bluffs are considered a sensitive resource under the ESL regulations. All improvements are designed to minimize disturbance to the adjacent bluffs and the limits of work would minimize impacts to biologically sensitive resources. Areas outside of the project’s construction area limits will be staked prior to construction to protect the adjacent bluff from disturbance. Therefore, the project will be sited and designed to prevent adverse impact on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego’s Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP). The project is within the geographic boundary of the Multiple Species Conservation Program (MSCP) Subarea Plan; however, the site is not located within or

adjacent to the Multi-Habitat Planning Area (MHPA) and will not impact any vernal pools as no vernal pools are located on the project site. Therefore, the project will be consistent with the MSCP Subarea Plan and is not subject to the Vernal Pool Habitat Conservation Plan (VPHCP).

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

The earthwork operations for the project will be performed in accordance with the proposed site plan and specifications for the project, the applicable provisions of the City of San Diego Grading Ordinance, and Section 300 of the latest edition of Standard Specifications for Public Works Construction (SSPWC, known as the "Green Book"). These improvements will provide protection for the bluff and limit erosion on the adjacent slopes by providing a designated access route from Bermuda Avenue to the shoreline. In addition, the project will require a WPCP, which will include measures to control erosion during and following construction. The project proposes to replace the existing structure without any proposed change to the existing seawall. The proposed stairway would have a footprint consistent with the existing stairway, and thus would not increase existing structures within sandy beach areas. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The project consists of replacing the existing access stairway that has failed. This project also includes the necessary demolition in the area, as well as replacement of the existing sidewalk at the top of the stairway and portions of the existing chain-link fencing. The replacement stairway will generally follow the existing stairway footprint and is a self-supporting structure separate from the seawall that is to be protected in place.

As documented in the Biological Technical Report, July 2020, prepared and accepted by the City, mitigation is not required for impacts to habitat communities (bare ground and non-native vegetated communities). The project will implement pre-construction avoidance and minimization measures to ensure that construction fencing and best management practices (BMPs) are installed correctly.

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

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 2420518 and Site Development Permit No. 2420515 are granted to City of San Diego Engineering and Capital

Projects Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LJS:nja
03/16/21
Or. Dept: DSD
Doc. No.: 2612747

Attachment: Coastal Development Permit No. 2420518/Site Development Permit No. 2420515

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

**WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: WBS# B-17110.02.06

**COASTAL DEVELOPMENT PERMIT NO. 2420518
SITE DEVELOPMENT PERMIT NO. 2420515
BERMUDA AVENUE COASTAL ACCESS REPLACEMENT
PROJECT NO. 650686
CITY COUNCIL**

This Coastal Development Permit No. 2420518 and Site Development Permit No. 2420515 is granted by the City Council of the City of San Diego to the City of San Diego Engineering and Capital Projects Department, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0707 and 126.0504. The 0.02-acre site is located in the public right-of-way at the western terminus of Bermuda Avenue in the Multiple Dwelling Residential (RM 2-4) Zone, Coastal (Appealable) Overlay Zone within the Ocean Beach Community Plan and Local Coastal Program. The project site is legally described as: Portions of Bermuda Avenue and Ocean Boulevard adjacent to Block 43 of Map of Ocean Beach in the City of San Diego, State of California according to Map thereof No. 279 recorded in the Office of the County Recorder of San Diego County, May 28, 1887.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to replace the existing coastal access stairway described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated April 6, 2021, on file in the Development Services Department.

The project shall include:

- a. Removal of an existing coastal access stairway and reconstruction of a new stairway in the same location;
- b. Replace existing chain link fence;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. Sidewalk improvements; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within 6 years (72) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 72-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 6, 2027.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
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 Owner/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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/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 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial construction modifications and site improvements may be required to comply with applicable construction, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

CLIMATE ACTION PLAN REQUIREMENTS:

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

12. All Public Improvements shall be constructed per approved Exhibit "A" and satisfactory to the City Engineer.

13. Prior to issuance of a Limited Notice to Proceed for Construction, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

14. Prior to issuance of a Limited Notice to Proceed for Construction, the Owner/Permittee shall prepare a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the issuance.

15. Prior to issuance of a Limited Notice to Proceed for Construction, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

GEOLOGY REQUIREMENTS:

16. Prior to the issuance of any construction permits (either grading or building permit), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addressed the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on April 6, 2021, by Resolution No. R-313489.

Permit Type/PTS Approval No.: CDP No. 2420518 &
SDP No. 2402515
Date of Approval **APR 06 2021**

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Catherine Rom
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

**CITY OF SAN DIEGO, ENGINEERING &
CAPITAL PROJECTS DEPARTMENT**
Owner/Permittee

By _____
Negin Afagh
Associate Engineer

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on APR 06 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 06 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313489