

RESOLUTION NUMBER R- **313694**

DATE OF FINAL PASSAGE **SEP 13 2021**

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING COASTAL DEVELOPMENT  
PERMIT NO. 2527267 AND SITE DEVELOPMENT PERMIT  
NO. 2546581 FOR THE WESTBOURNE SMALL LOT  
SUBDIVISION – PROJECT NO. 663879.

WHEREAS, KLS WESTBOURNE LLC, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit and Site Development Permit to demolish an existing single dwelling unit and detached garage, subdivide two lots on an existing 0.30-acre site into four lots, and construct four two-story single dwelling units over full basements with attached garages known as the Westbourne Small Lot Subdivision Project (Project), located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700, and legally described as Parcel 1: The land hereinafter referred to is situated in the City of San Diego, County of San Diego, State of California, and is described as follows: Parcel A: All that portion of Lots 22 and 24 in Block 6 of First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 891, filed in the Office of the County Recorder of San Diego County March 31, 1903, lying Easterly of a line that is parallel to and distant 55 Easterly at right angles from the Westerly line of said Lot 22; also that portion of the Northerly 10 feet of Westbourne Street adjoining said lot on the South as closed to public use. Parcel 2: The land hereinafter referred to is situated in the City of La Jolla, County of San Diego, State of California, and is described as follows: Parcel B: All that portion of Lots 22 and 24 in Block 6 of First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 891, filed in the Office of the County Recorder of San Diego County March 31, 1903, lying Westerly of a line that is parallel to and distant 55 feet

Easterly at right angles from Westerly line of said Lot 22; also that portion of the Northerly 10 feet of Westbourne Street adjoining said lot on the South as closed to public use, in the La Jolla Community Plan and Local Coastal Program Land Use Plan, in the RM-1-1 Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal Impact and Beach Impact), Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and Transit Priority Area; and

WHEREAS, on June 24, 2021, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 2527267 and Site Development Permit No. 2546581, and pursuant to Resolution No. 5145-PC, voted to recommend approval of the Permit; and

WHEREAS, under San Diego 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 September 13, 2021, testimony having been heard, evidence having been submitted, and the City Council of the City of San Diego 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. 2527267 and Site Development Permit No. 2546581:

**A. COASTAL DEVELOPMENT PERMIT (San Diego Municipal Code (Municipal Code or SDMC) § 126.0708)**

**1. Findings for all Coastal Development Permits:**

- a. 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.**

The subject site is located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700 within the La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan). The site is currently developed with an existing single dwelling unit and detached garage. The development proposes to demolish the existing single dwelling unit and detached garage, subdivide two lots on an existing 0.30-acre site into four lots, and construct four two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet. The proposed new single dwelling units would be constructed on the existing developed lot that contains no physical accessways used or proposed for public use. The Project will enhance and protect public views by keeping all development within the 30-foot coastal height limit, as well as removing existing non-conforming structures from the right of way and setback area.

The Project is located at the corner of Westbourne Street and La Jolla Boulevard within the Westbourne View Corridor identified in Appendix G - Subarea F: Windansea Visual Access Figure F (Page 152). The Project is conditioned to not have architectural projections and encroachments in the required yards within view corridors that are designated by the Community Plan in the Coastal Overlay Zone. In addition, the Project is conditioned to provide an unobstructed framed view when looking down the Public Right-of-Way towards the Pacific Ocean. As conditions of approval, prior to issuance of any construction permit for a building, the Owner/Permittee must not have architectural projections within the front yard setback adjacent to Westbourne Street and shall demonstrate conformance with Municipal Code section 131.0461(a). With these conditions of approval, and based on review of the Project, the proposed coastal development will not degrade and will not remove, eliminate, or detract from any protected public views to and along the ocean and other scenic coastal areas as specific in the Local Coastal Program land use plan. Therefore, the Project 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 Project 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.

- b. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The subject site is located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700 within the Community Plan. The site is currently developed with an existing single dwelling

unit and detached garage. The Project proposes to demolish the existing single dwelling unit and detached garage, subdivide two lots on an existing 0.30-acre site into four lots, and construct four two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet. The Project site does not contain any Environmentally Sensitive Lands as defined in Municipal Code section 113.0103. The Project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. Therefore, the Project will not adversely affect environmentally sensitive lands.

**c. 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 subject site is located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700 in La Jolla. The site is currently developed with an existing single dwelling unit and detached garage. The Project proposes to demolish the existing single dwelling unit and detached garage, subdivide two lots on an existing 0.30-acre site into four lots, and construct four two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet. The Community Plan designates the Project site for Low Medium Residential uses (9-15 dwelling units/acre) and is zoned RM-1-1. The 0.30-acre site could accommodate five dwelling units pursuant to Municipal Code Table 143-03C. The Project will have four dwelling units, therefore it is consistent with the land use designation of single-family residential development (9-15 dwelling units/acre) in the Community Plan.

The Project site is not located within the First Public Roadway, and there are no physical access routes from the Project site, as identified in the Community Plan. In addition, the Project will not encroach upon any existing physical way legally used by the public or any proposed public accessway identified in the Community Plan. The proposed Project is located at the corner of Westbourne Street and La Jolla Boulevard within the Westbourne View Corridor identified in Appendix G - Subarea F: Windansea Visual Access Figure F (Page 152). The proposed Project must provide an unobstructed framed view when looking down the Public Right-of-Way towards the Pacific Ocean. As a condition of approval, prior to issuance of any construction permit for a building, the Owner/Permittee shall not have architectural projections within the front yard setback adjacent to Westbourne Street and shall demonstrate conformance with Municipal Code section 131.0461(a). The Project complies with the development standards required by the underlying RM-1-1 Zone, including height, density, building setbacks, floor area ratio (FAR), and lot coverage. In addition, the Project is not requesting any deviations or variances from the applicable regulations. Therefore, the redevelopment of the site to subdivide the 0.30-acre site into four lots and construct four two-story single dwelling units with four attached garages on each lot totaling 9,917 square feet is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. It complies and implements the Implementation Program because the Project is subject to and is obtaining all necessary entitlements for the redevelopment of the parcel lots. Therefore, 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.

- d. 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 0.30-acre lot is currently developed with an existing single dwelling unit and detached garage proposed to be demolished. The proposed subdivision of two lots on an existing 0.30-acre site into four lots and the construction of four new two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet, respectively, will be built in its place. The Project site is not located between the first public road and the sea or shoreline of any body of water located within the Coastal Overlay Zone. No public access or public recreation facilities exist on the Project site. Therefore, the proposed Project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

## **B. SITE DEVELOPMENT PERMIT (SDMC § 126.0505)**

### **1. Findings for all Site Development Permits:**

- a. The proposed development will not adversely affect the applicable land use plan.**

The subject site is located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700 in La Jolla. The site is currently developed with an existing single dwelling unit and detached garage. The Project proposes to demolish the existing single dwelling unit and detached garage, subdivide two lots on an existing 0.30-acre site into four lots, and construct four two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet. The Community Plan designates the Project site for Low Medium Residential uses (9-15 dwelling units/acre) and is zoned RM-1-1. The 0.30-acre site could accommodate five dwelling units pursuant to Municipal Code Table 143-03C. The Project will have four dwelling units, therefore it is consistent with the land use designation of single-family residential development (9-15 dwelling units/acre) in the Community Plan.

The site is surrounded by both single-family residences, multi-family residences, and commercial/mixed use development. The Project site is not located within the first public roadway, and there are no physical access routes from the Project site, as identified in the Community Plan. In addition, the Project will not encroach upon any existing physical way legally used by the public or any proposed public accessway identified in the Community Plan. The Project complies with the development standards required by the underlying RM-1-1 Zone and small lot subdivision regulations including height, density, building setbacks, FAR, and lot coverage. In addition, the Project is not requesting any deviations or variances from the applicable regulations. The proposed four dwelling units are measured 30 feet in height from proposed grade and will not exceed the Coastal Height Limitation Overlay Zone 30-foot height limit. The development proposes a rear yard setback of 15 feet along the north property line and will not go below the 5-foot limit pursuant to Municipal Code section 131.0443(d)(2)(4). The front yard setback is between 15 to 20 feet along the south property line and complies with Municipal Code section 131.0443(d)(1)(A). The

Project also observes a side yard setback of 5 feet along the west property line, and a street side setback of 11 feet along the east property line which is consistent with Municipal Code sections 131.0443(d)(2)(A) and 131.0443(d)(3). The Project is located at the corner of Westbourne Street and La Jolla Boulevard within the Westbourne View Corridor identified in Appendix G - Subarea F: Windansea Visual Access Figure F (Page 152). The Project must provide an unobstructed framed view when looking down the Public Right-of-Way towards the Pacific Ocean. As a condition of approval, prior to issuance of any construction permit for a building, the Owner/Permittee shall not have architectural projections within the front yard setback adjacent to Westbourne Street and shall demonstrate conformance with Municipal Code section 131.0461(a). The four proposed lots will range in size from 3,233 square feet to 3,486 square feet. The RM-1-1 Zone permits a maximum density of one dwelling unit per 3,000 square feet of lot area pursuant to Municipal Code 131.0406(b)(1), therefore the maximum density of one dwelling unit per lot complies with the development standards of the underlying zone. According to Municipal Code Table 131-04G, the maximum FAR in the RM-1-1 Zone is 0.75. The proposed 2,613 square-foot single dwelling unit at located at the 3,486 square-foot southwest lot will have a FAR of 0.75. The proposed 2,422 square-foot single dwelling unit located at the 3,230 square-foot northwest lot will have a FAR of 0.75. The proposed 2,458 square-foot single dwelling unit located at the 3,278 square-foot southeast lot will have a FAR of 0.75. The proposed 2,424 square-foot single dwelling located at the 3,233 square-foot northeast lot will have a FAR of 0.75. Pursuant to Municipal Code Table 131-04G, there is no maximum Lot Coverage in the RM-1-1 Zone. Therefore, the redevelopment of the site for the subdivision of the 0.30-acre site into four lots, and construction of four two-story single family residences with four attached garages on each lot will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.**

The subject site is located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700 in La Jolla. The site is currently developed with an existing single dwelling unit and detached garage. The development proposes to demolish the existing single dwelling unit and detached garage, subdivide two lots on an existing 0.30-acre site into four lots, and construct four two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet. The Community Plan designates the Project site for Low Medium Residential uses (9-15 dwelling units/acre). The Project will not be detrimental to the public health, safety, and welfare. A condition of approval requires a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. City staff has reviewed and accepted a preliminary geotechnical report prepared for the Project site, which concludes the site's soil and geologic conditions have been adequately addressed.

The Project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include dedication of an additional two feet along La Jolla Blvd frontage satisfactory to the City Engineer, assuring by permit and bond the installation of City standard full height curb and gutter along the Project frontages on Westbourne Street and La Jolla Boulevard, assuring by permit and bond the installation of two new 12-foot wide City Standard driveway on Westbourne Street, assuring by permit and

bond the replacement of the existing sidewalk with the same scoring pattern preserving the contractor's stamp adjacent to the site on Westbourne Street and La Jolla Boulevard, implementing construction best management practices (BMPs), entering into an Encroachment Maintenance Removal Agreement for sidewalk underdrain, private walk street trees, irrigation/ landscaping within Right of Way adjacent to the site, and vacating the existing sewer easement that is not currently being utilized by the City. Therefore, the Project will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The subject site is located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700 in La Jolla. The site is currently developed with an existing single dwelling unit and detached garage. The Project proposes to demolish the existing single dwelling unit and detached garage, subdivide two lots on an existing 0.30-acre site into four lots, and construct four two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet. The Community Plan designates the Project site for Low Medium Residential uses (9-15 dwelling units/acre) and is zoned RM-1-1. The 0.30-acre site could accommodate one unit per small lot pursuant to Municipal Code Table 143-03C. The Project is consistent with the land use designation of single-family residential development (9-15 dwelling units/acre) in the Community Plan. The Project site is not located within the First Public Roadway, and there are no physical access routes from the Project site.

The Project is not requesting, nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, and development standards in effect for the site. The Project complies with the development standards required by the underlying RM-1-1 Zone and small lot subdivision regulations including height, density, building setbacks, floor area ratio, lot coverage, and parking. The Project is located at the corner of Westbourne Street and La Jolla Boulevard within the Westbourne View Corridor identified in Appendix G - Subarea F: Windansea Visual Access Figure F (Page 152). The Project must provide an unobstructed framed view when looking down the Public Right-of-Way towards the Pacific Ocean. As a condition of approval, prior to issuance of any construction permit for a building, the Owner/Permittee shall not have architectural projections within the front yard setback adjacent to Westbourne Street and shall demonstrate conformance with Municipal Code section 131.0461(a). The Project is not requesting any deviations or variances from the applicable regulations. Therefore, the Project will comply with the regulations of the Land Development Code.

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. 2527267 and Site Development Permit No. 2546581 are granted to KLS Westbourne LLC, 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

A handwritten signature in black ink, appearing to read "Lauren N. Hendrickson", written over a horizontal line.

Lauren N. Hendrickson  
Deputy City Attorney

LNH:cm

August 19, 2021

September 13, 2021 REV.

Or.Dept: DSD

Doc. No.: 2740138\_3

Attachment: Coastal Development Permit No. 2527267/Site Development Permit No. 2546581



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

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

INTERNAL ORDER NUMBER: 24008636

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2527267

SITE DEVELOPMENT PERMIT NO. 2546581

**WESTBOURNE SMALL LOT SUBDIVISION PROJECT NO. 663879 [MMRP]**

CITY COUNCIL

This Coastal Development Permit No. 2527267 and Site Development Permit No. 2546581 are granted by the City Council of the City of San Diego to KLS Westbourne LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 125.0440, 125.1040, 126.0505, and 126.0708. The 0.30-acre site is located at 460 Westbourne Street and Assessor Parcel No. 351-232-1700 in the RM-1-1 Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal Impact and Beach Impact), Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and Transit Priority Area within the La Jolla Community Plan area. The project site is legally described as Parcel 1: The land hereinafter referred to is situated in the City of San Diego, County of San Diego, State of California, and is described as follows: Parcel A: All that portion of Lots 22 and 24 in Block 6 of First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 891, filed in the Office of the County Recorder of San Diego County March 31, 1903, lying Easterly of a line that is parallel to and distant 55 Easterly at right angles from the Westerly line of said Lot 22; also that portion of the Northerly 10 feet of Westbourne Street adjoining said lot on the South as closed to public use. Parcel 2: The land hereinafter referred to is situated in the City of La Jolla, County of San Diego, State of California, and is described as follows: Parcel B: All that portion of Lots 22 and 24 in Block 6 of First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 891, filed in the Office of the County Recorder of San Diego County March 31, 1903, lying Westerly of a line that is parallel to and distant 55 feet Easterly at right angles from Westerly line of said Lot 22; also that portion of the Northerly 10 feet of Westbourne Street adjoining said lot on the South as closed to public use.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing single dwelling unit and detached garage, subdivide two parcel lots on an existing 0.30-acre site into four parcel lots, and construct four, two-story single dwelling units with four full basement attached garages on each parcel lot, as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 13, 2021, on file in the Development Services Department.

The project shall include:

- a. Demolition of existing single dwelling unit and detached garage;
- b. The subdivision of two lots on a 0.30-acre site into four residential lots and utility easement vacation;
- c. The construction of four, two-story single dwelling units with four full basement attached garages on each lot totaling 9,917 square feet;
- d. Off-street parking; 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 thirty-six (36) 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 36 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 September 13, 2024.
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 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.
3. 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.
4. 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.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. 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.).

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

8. 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.

9. 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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 663879 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 663879 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

**Archaeological Resources****Tribal Cultural Resources****CLIMATE ACTION PLAN REQUIREMENTS:**

14. 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:**

15. The Coastal Development Permit and Site Development Permit shall comply with all Conditions of the Parcel Map for Tentative Map No. 2527269.
16. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall dedicate an additional 2 feet along La Jolla Boulevard frontage satisfactory to the City Engineer.
17. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the installation of City standard full height curb and gutter, along the project frontages on Westbourne Street and La Jolla Boulevard to satisfaction of the City Engineer.
18. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the installation of a new 12-foot wide standard driveway on Westbourne Street, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with the same scoring pattern, preserving the contractor's stamp, adjacent to the site on Westbourne Street and La Jolla Boulevard satisfactory to the City Engineer.

20. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the installation of two new standard curb ramps adjacent to the site on corner of Westbourne and La Jolla Boulevard satisfactory to the City Engineer.

21. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for sidewalk underdrain, private walk street trees, irrigation/ landscaping within Right of Way adjacent to the site, satisfactory to the City Engineer.

22. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

23. Prior to the issuance of any construction permit 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.

#### **LANDSCAPE REQUIREMENTS:**

24. Prior to issuance of any construction permit, the Owner/Permittee shall submit complete construction documents for the revegetation & hydro-seeding of all disturbed land in accordance with the City's Landscape Standards & Storm Water Design Manual to the Development Services Department for approval. All plans shall be in substantial conformance to this permit (including Environmental Conditions) & Exhibit 'A,' filed in the Development Services Department (DSD).

25. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall be designed where all hardscape, driveways, utilities, drains, water, & sewer laterals shall not prohibit the required placement of trees. Include a scaled symbol, label, & dimension the required placement of the 40-sqft tree area/root zone around each tree, unless otherwise approved per SDMC section 142.0403.

26. Prior to issuance of any construction permit, the Owner/Permittee shall submit complete landscape construction documents which are consistent with the City's Landscape Standards to the Development Services Department for approval. All plans shall be in substantial conformance with Exhibit 'A,' filed in the DSD. Construction plans shall be designed where all hardscapes & utilities shall not prohibit the required placement of trees. Include a scaled symbol, label, & dimension the required placement of the 40-sqft tree area/root zone around each tree.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the City's Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind, and in an equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

#### **PLANNING/DESIGN REQUIREMENTS:**

29. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

30. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

31. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

32. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall demonstrate conformance with SDMC 131.0461(a) and propose no architectural projections within the required front yard setback adjacent to Westbourne Street. Fencing conforming with SDMC 142.0310(c)(2)(C) and SDMC 132.0403(c) is allowed.

#### **TRANSPORTATION REQUIREMENTS**

33. Prior to issuance of any construction permit for a building, the Owner/Permittee shall grant an access easement between Lots 1, 2, 3 and 4 as shown on the approved Exhibit "A," satisfactory to the City Engineer for review consistency with City standards.

34. Prior to issuance of any construction permit for a building, the Owner/Permittee shall provide a recorded Mutual Access Agreement, satisfactory to the City Engineer.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

35. Prior to the issuance of any construction permit for a building, , the Owner/Permittee shall have constructed, or ensured the construction of via permit and bond, all proposed public and private water and sewer facilities within the public ROW, and/or public easement, in accordance with the criteria established in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and all applicable City regulations, standards and practices.

36. Prior to the issuance of any construction permit for a building, all domestic, irrigation, and fire water lines serving this development must pass through a permitted, private, above ground, backflow prevention device (BFPD) or include the following note on the site plan:

THIS SINGLE-FAMILY RESIDENTIAL DEVELOPMENT PROJECT WILL HAVE A COMBINED DOMESTIC/FIRE PROTECTION WATER SERVICE WHICH UTILIZES A PASSIVE PURGE STYLE OF DESIGN. IT IS THEREFORE EXEMPT FROM THE REQUIREMENT FOR A BACKFLOW PREVENTION DEVICE.

37. Prior to issuance of any construction permit for a building, any existing sewer lateral to be reused must be videoed and inspected by a California licensed plumber to verify (via a signed statement on company letterhead) all of the following: the lateral has an appropriate cleanout, is in good condition, is free of all debris, is properly connected to a public sewer main, and is suitable for reuse. If the lateral does not meet these requirements, it must be cleaned, repaired if necessary, and re-inspected or abandoned, capped, and replaced with a new permitted lateral.

38. Prior to issuance of any construction permit for a building, any private improvements which lie within a public ROW fronting the development, or within a public easement inside the development, which could inhibit the City's right to access, maintain, repair, or replace its public water and sewer facilities must be removed unless the Owner/Permittee has or obtains a City approved/County Recorded Encroachment and Maintenance Removal Agreement (EMRA) specific to that encroachment.

39. Prior to issuance of any construction permit for a building, the sewer lateral(s) serving this development must pass through a permitted sewer cleanout or the following note must be included on the title sheet of the building construction plans:

THIS RESIDENTIAL DEVELOPMENT WILL HAVE, AS A CONSEQUENCE OF THIS WORK, INSTALLED A PERMITTED SEWER LATERAL CLEANOUT TO SERVE THAT PORTION OF EACH SEWER LATERAL LOCATED WITHIN THE PUBLIC ROW OR EASEMENT.

40. Prior to any Certificate of Occupancy being Issued, any existing sewer cleanout with deficiencies deemed unacceptable to either the Public Utilities Director or the City Engineer (e.g. size, surface elevation, location, condition, etc.) must be remedied via an appropriate permit.

41. Prior to issuance of any construction permit for a building, any existing public sewer, water, or general utility easement that is not currently being utilized by the City, and for which the City has no current or foreseeable plans to utilize, must be vacated.

#### **GEOLOGY REQUIREMENTS:**

42. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

43. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

**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 SEP 13 2021, by Resolution No. R-313694.



Coastal Development Permit No. 2527267  
Site Development Permit No. 2546581  
Date of Approval: September 13, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Benjamin Hafertepe  
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.

**KLS WESTBOURNE LLC**  
Owner/Permittee

By \_\_\_\_\_  
Kelly Kramer  
Owner/Permittee

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

Passed by the Council of The City of San Diego on SEP 13 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 SEP 13 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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **313694**