

RESOLUTION NUMBER R- 315997

DATE OF FINAL PASSAGE JAN 27 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT NO. PMT-3189488 FOR THE ADELANTE TOWNHOMES - PROJECT NO. PRJ-1073585.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Pelican Venture LP, a California Limited Partnership, a California Limited Partnership, Owner/Permittee, submitted an application with the City of San Diego for a Coastal Development Permit to demolish an existing office building, subdivide one lot into 13 residential condominium units and one commercial unit to construct a new two-story mixed-use development building with 13 multi-dwelling units, 1,060 square-foot commercial space, and basement level parking (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval) for the Adelante Townhomes project.

B. Located at 5575 La Jolla Boulevard, in the La Jolla Community Plan area, in the La Jolla Planned District-4 Zone (LJPD-4), Complete Communities Mobility Choices: Mobility Zone 2, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Paleontological Sensitivity Area (High), Parking Impact Overlay Zone (Beach Impact), Transit Area Overlay, and the Transit Priority Area. The project site is legally described as Parcel 1 of Parcel Map No. 17993, in the City of San Diego, County of San Diego, State of California, according to Map Thereof Filed in the Office of the County Recorder of San Diego County, March 4, 1998. Parcel 2: An Easement for Vehicular and Pedestrian Ingress and Egress to and from the Dominant Tenement for the Nonexclusive Use of Grantee and the Agents,

Employees, Guests and Invitees of Grantee, and for the Repair and Maintenance of the Easement Area Over a Portion of Parcel 2 Of Parcel Map No. 17993, in the City of San Diego, County of San Diego, State of California, filed In the Office of the County Recorder of San Diego County, March 4, 1998, described as Follows: Beginning at the most Westerly Corner of Said Parcel 2; Thence North $53^{\circ} 42' 43''$ East along the Northwesterly Line of Said Parcel 2 A Distance of 84.69 Feet; Thence South $36^{\circ} 21' 31''$ East 26.00 Feet; Thence South $53^{\circ} 42' 43''$ West 84.61 Feet to the Southwesterly Line of Said Parcel 2; Said Point also being the Beginning of a Non Tangent 3,138.80 Foot Radius Curve to the Right, Concave Northeasterly, a Radial to Said Beginning of Curve Bears South $53^{\circ} 14' 14''$ West; Thence Northwesterly along Said Curve Through a Central Angle Of $00^{\circ} 28' 29''$, a Distance of 26.00 Feet to the Point of Beginning, Per Grant of Easement Recorded April 15, 1998, as Instrument No. 1998-0210460, filed in the Office of the County Recorder of San Diego County.

B. On May 31, 2024, the City of San Diego, through the Development Services Department, established that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline section 15332 (In-Fill Development Projects) and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2 applies to the project. There was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code (Municipal Code) section 112.0520.

C. On September 19, 2024, the Planning Commission of the City of San Diego Considered the Coastal Development Permit - PMT-3189488 pursuant to the Land Development Code of the City of San Diego.

D. On October 2, 2024, Julie M. Hamilton – Attorney for La Jolla Village Residents Association appealed the Planning Commission decision to the Council of the City of San Diego.

E. On January 27, 2025, Council held a public hearing to consider Coastal Development Permit - PMT-3189488. The Council received for its consideration written and oral presentations, evidence, and testimony from all interested parties at the public hearing. The Council has fully considered and has been fully advised on this matter.

F. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

G. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Coastal Development Permit No. PMT-3189488:

COASTAL DEVELOPMENT PERMIT San Diego Municipal Code (SDMC) Section 126.0708

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.**

The project site is located at 5575 La Jolla Boulevard in the La Jolla Planned District (LJPD)-4 zone of the La Jolla Community Plan Area, the Coastal Overlay

Zone (Non-Appealable Area 2), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach Impact), and Transit Priority Area. The project includes the demolition of an existing 3,000-square-foot office building and the construction of a new two-story building with 13 for-sale dwelling units, including one for-sale affordable unit, approximately 1,060 square feet of retail on the first floor, and 23 parking spaces below grade (15 automobiles, 2 motorcycles, and 6 bicycles).

The La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan) designates the site as Commercial / Mixed Use, and more specifically as Neighborhood Commercial, and permits uses such as convenience stores, florists, restaurants, specialty stores, and professional offices (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 86, Item 1). As part of its Balanced Communities discussion, the Community Plan calls for higher density housing along transit corridors and encouraging the use of the City's Affordable Housing Density Bonus Program (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 71, Item 5[d]). The LJPD- Zone 4 includes neighborhood commercial areas characterized by small retail shops. Development in this zone is dominated by community serving and visitor service retail uses. Development standards for this zone are intended to maintain retail community serving, and visitor-serving uses and encourage the development of some community-serving offices, and residences Municipal Code section 159.0301(f)). Residential development is limited to a base density of 29 dwelling units per net acre (Municipal Code section 159.0302(a)(3)), prior to any additional units allowed by the state housing density bonus, and subject to the development standards of the LJPD.

There is no coastal access from the project site, which is located 0.12 miles east of the Pacific Ocean. By providing underground parking utilizing the existing driveway along La Jolla Boulevard and the easement (Instrument No. 1998-0210460) shared with the property to the south, the proposed project furthers the Community Plan's acknowledgement that "the placement of driveways underground or along the alleyway for vehicular access rather than from the street, as well as landscaping of interior yards, has helped to make multiple dwelling unit development more consistent with the character of La Jolla" (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 67).

As a density bonus affordable housing project, the project complies with the applicable development standards of the LJPD with the exception of waivers and incentives consistent with the Affordable Housing provisions of SDMC Chapter 14, Article 2, Division 13 – Inclusionary Affordable Housing Regulations, and satisfies the Community Plan's Residential Land Use goal to "introduce opportunities for the production of more affordable housing within La Jolla to meet the housing needs of all income levels" (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 67). Further, the project adheres to goals, outlined in the Commercial Land Use Element section of the

Community Plan, to promote mixed-use residential and commercial development along transit corridors such as the commercial areas of La Jolla Boulevard, to encourage affordable housing opportunities, particularly within the Bird Rock retail area (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 81). In addition, the proposed development meets the Community Plan goal of maintaining “La Jolla as a primarily residential and recreational oriented community” by providing residential development (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 5). The project will not exceed the 30-foot height limit of the Coastal Height Limit Overlay Zone.

Therefore, 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.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project site is within a developed, urban environment and does not contain environmentally sensitive lands. The subject property is approximately 0.12-miles (650-feet) from the Pacific Ocean, 85 to 90-feet above mean sea level and is located above the 100-year floodplain. The site is not within or adjacent to the Multi-Habitat Planning Area (MHPA) of Multiple Species Conservation Program and does not contain any other type of Environmentally Sensitive Lands (ESL) as defined in Municipal Code section 113.0103. Therefore, the proposed development will not adversely affect ESL as none are present on site.

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 project site is located at 5575 La Jolla Boulevard in the LJPD-4 zone of the La Jolla Community Plan Area, the Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach Impact), and Transit Priority Area. The project includes the demolition of an existing 3,000 square foot office building and the construction of a new two-story building with 13 for-sale dwelling units, including one for sale affordable unit, approximately 1,100 square feet of retail on the first floor, and 23 parking spaces below grade (15 automobiles, 2 motorcycles, and 6 bicycles).

The Community Plan designates the site as Commercial / Mixed Use, and more specifically as Neighborhood Commercial, and permits uses such as convenience stores, florists, restaurants, specialty stores, and professional offices (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg.

86). As part of its Balanced Communities discussion, the Community Plan calls for higher density housing along transit corridors and encouraging the use of the City's Affordable Housing Density Bonus Program (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 71, Item 5[d]).

Pursuant to Municipal Code section 159.0302(a)(3), residential development is limited to a base density of 29 dwelling units per net acre, which would allow 9 residential units onsite. The project proposes one Very Low-Income (VLI) unit, and the 11.1 percent dedication would result in a 35 percent density bonus and the allocation of two incentives pursuant to Municipal Code section 143.0740 Table 143-07A. The base density of nine units multiplied by the 35 percent density bonus would equal 3.15 units. Per Municipal Code section 143.0720(n), density calculations resulting in fractional units shall be rounded up to the next whole number, resulting in four bonus density units. Therefore, the project proposes 13 dwelling units including one VLI affordable unit. The applicant identified one incentive and reserved the other that was earned. The following one incentive and ten waivers are listed below:

Incentive: The incentive requested would modify the ground floor and street frontage requirements pursuant to Municipal Code section 159.0306 due to the identifiable and actual cost savings associated with providing residential units on the ground floor rather than building out that space for commercial use in satisfaction of the street frontage requirements. The Owner/Permittee further reserves the right to allocate its second incentive if needed in the future.

Waivers: The project would use nine affordable density bonus waivers to eliminate the following requirements that would otherwise physically preclude construction of the project.

1. Floor Area Ratio (FAR) – Municipal Code section 159.0307(c)(1) imposes a maximum of 1.0 FAR, or 12,890 square feet. The Project as designed would utilize 1.27 FAR, or 16,366 square feet. Imposition of the FAR requirement from section 159.0307(c)(1) would physically preclude construction of the Project, which is a qualifying density bonus project.
2. Street Façade Envelope –Municipal Code section 159.0307(e) states that a street facade envelope shall be created along any property line adjacent to any public street. The envelope shall be measured 20 feet vertically and at the top thereof, shall slope back at a 45-degree angle toward the interior of the lot. The Project proposes eliminating this requirement.
3. Private Exterior Open Space – Municipal Code section 159.0309(d) requires at least 150 square feet per unit in private open space areas such as balconies, patios and courtyards. The project provides private open space for 10 of the 13 total units.

4. Loading Area Regulations – Municipal Code section 159.0409 requires an on-site loading area of at least 600 square feet. The Project proposes to eliminate this requirement.
5. Minimum Dimensions for Automobile Parking Aisles – Municipal Code section 142.0560(c) states that the minimum dimensions for automobile parking aisles at permitted angles for one-way and two-way circulation are shown in Table 142-05L which requires 20-feet of aisle width for two-way circulation. The Project proposes a 19-foot-wide entry access aisle into the parking garage.
6. Common Open Space in RM Zones – Municipal Code section 131.0456 requires common open space of at least 300 square feet, or 25 square feet per dwelling unit, whichever is greater. The project proposes 13 dwelling units would equate to 325 square-feet, but a waiver is requested to eliminate this requirement.
7. Street Corner Lot Setback – Municipal Code section 159.0307(b)(6)(a) states that a building on a street corner lot shall be set back behind an imaginary line that connects a point on each of the street front property lines which is distant from the corner by a length equal to 20 percent of the parcel frontage along that street, or 20 feet, whichever is less. The Project proposes eliminating this requirement.
8. Vehicular Circulation Within Parking Facilities – Municipal Code section 142.0560(d)(3) states that aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum area equivalent to a parking space. Compliance with the vehicular circulation requirement would physically preclude construction of the Project, which is a qualifying density bonus project.
9. Nonresidential Uses – Municipal Code section 142.0530(g) states that motorcycle parking should be provided at a ratio of 2 percent of the number of automobile parking spaces provided or two spaces, whichever is greater. Compliance with the motorcycle parking requirement would physically preclude construction of the Project, which is a qualifying density bonus project. The project proposes to eliminate this requirement from 2 commercial motorcycle parking spaces to zero commercial motorcycle parking spaces.

None of the requested incentives or waivers would pose a specific adverse impact to health or human safety, nor would they affect a designated historical resource. They do not violate state or federal law. Accounting for the above incentive and waivers, the project complies with the applicable development standards of the La Jolla Planned District (LJPD), and it satisfies the Community Plan's Residential Land Use goal to "introduce opportunities for the production of more affordable

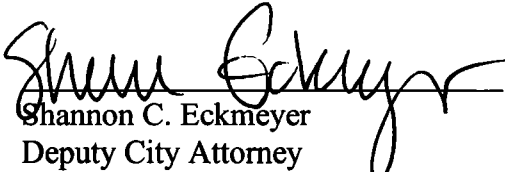
housing within La Jolla to meet the housing needs of all income levels” (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 67). In addition, the proposed development meets the general Community Plan goal of maintaining “La Jolla as a primarily residential and recreational oriented community” by providing residential development (La Jolla Community Plan and Local Coastal Program Land Use Plan, August 2014, pg. 5). 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.

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 located at 5575 La Jolla and the project site is a previously improved lot located approximately 0.12-miles (650-feet) from the Pacific Ocean. The project site is not located between the first public roadway and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Thus, this finding is not applicable. The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

2. The appeal of Julie M. Hamilton – Attorney for La Jolla Village Residents Association is denied; the decision of the Planning Commission is sustained; and Coastal Development Permit No. PMT-3189488 is granted to Pelican Venture LP, a California Limited Partnership, a California Limited Partnership, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

APPROVED: HEATHER FERBERT, City Attorney

By 
Shannon C. Eckmeyer
Deputy City Attorney

SCE:cm;jn2
December 9, 2024
Or.Dept: DSD
Doc. No. 3898242

ATTACHMENT: Coastal Development Permit No. PMT-3189488

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JAN 27 2025.

DIANA J.S. FUENTES
City Clerk

By *Linda Arwin*
Deputy City Clerk
For Gilbert Sanchez

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

INTERNAL ORDER NUMBER: 24009411

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3189488
ADELANTE TOWNHOMES - PROJECT NO. PRJ-1073585
CITY COUNCIL

This Coastal Development Permit No. PMT-3189488 is granted by the City Council of the City of San Diego to PELICAN VENTURE LP, a California Limited Partnership, or successor in interest, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.3-acre site is located at 5575 La Jolla Boulevard in the La Jolla Planned District-4 Zone (LJPD-4), Complete Communities Mobility Choices: Mobility Zone 2, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Paleontological Sensitivity Area (High), Parking Impact Overlay Zone (Beach Impact), Transit Area Overlay, and the Transit Priority Area within the La Jolla Community Plan area. The project site is legally described as: Parcel 1 of Parcel Map No. 17993, in the City of San Diego, County of San Diego, State of California, according to Map Thereof Filed in the Office of the County Recorder of San Diego County, March 4, 1998. Parcel 2: An Easement for Vehicular and Pedestrian Ingress and Egress to and from the Dominant Tenement for the Nonexclusive Use of Grantee and the Agents, Employees, Guests and Invitees of Grantee, and for the Repair and Maintenance of the Easement Area Over a Portion of Parcel 2 Of Parcel Map No. 17993, in the City of San Diego, County of San Diego, State of California, filed In the Office of the County Recorder of San Diego County, March 4, 1998, described as Follows: Beginning at the most Westerly Corner of Said Parcel 2; Thence North 53° 42' 43" East along the Northwesterly Line of Said Parcel 2 A Distance of 84.69 Feet; Thence South 36° 21' 31" East 26.00 Feet; Thence South 53° 42' 43" West 84.61 Feet to the Southwesterly Line of Said Parcel 2; Said Point also being the Beginning of a Non Tangent 3,138.80 Foot Radius Curve to the Right, Concave Northeasterly, a Radial to Said Beginning of Curve Bears South 53° 14' 14" West; Thence Northwesterly along Said Curve Through a Central Angle Of 00° 28' 29", a Distance of 26.00 Feet to the Point of Beginning, Per Grant of Easement Recorded April 15, 1998, as Instrument No. 1998-0210460, filed in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee, or successor in interest, to demolish an existing office building, subdivide one lot into 13 residential condominium units and one commercial unit to construct a new two-story mixed-use building with 13 multi-dwelling units, 1,060 square-foot commercial space, and basement level parking described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated, January 27, 2025, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing office building;
- b. The subdivision of one lot into 13 residential condominium units and one commercial unit subject to Tentative Map No. PMT-3189789;
- c. The construction of a new two-story mixed-use building consisting of 13 multi-dwelling units, 1,060 square-foot commercial space, and basement level parking totaling approximately 16,366 square feet;
- d. Allowable incentives and waivers from the following development regulations of the San Diego Municipal Code (SDMC);
 - An incentive from SDMC section 159.0306 to modify the ground floor and street frontage requirements due to the identifiable and actual cost savings associated with providing residential units on the ground floor rather than building out that space for commercial use in satisfaction of the street frontage requirements.
 - A waiver from SDMC section 159.0307(c)(1) waive the maximum floor area ratio (FAR) of 1.0 (12,890 square feet) and to allow an FAR of 1.27 (16,366 square feet). The proposed FAR is required to accommodate the floor area of the housing development. Requiring compliance with the maximum floor area ratio of the LJP4-4 zone would physically preclude the construction of the project.
 - A waiver from SDMC section 159.0307(e) for the requirement that a street façade envelope shall be created along any property line adjacent to any public street. The envelope shall be measured 20 feet vertically and at the top thereof, shall slope back at a 45-degree angle toward the interior of the lot. The project proposed eliminating this requirement.
 - A waiver from SDMC section 159.0309(d) which requires at least 150 square feet per unit in private open space areas such as balconies, patios, and courtyards. The project provides private open space for 10 out of the 13 total multi-dwelling dwelling units.
 - A waiver from SDMC section 159.0409 which requires an on-site loading area of at least 600 square feet. The project proposes to eliminate this requirement.
 - A waiver from SDMC section 142.0560(c) which requires the minimum dimensions for automobile parking aisles at permitted angles for one-way and two-circulation are shown in Table 142-05L which requires 20 feet of aisle width for two-way circulation. The project proposes a 19-foot-wide entry access aisle into the parking garage.
 - A waiver from SDMC section 131.0456 which requires common open space in RM zones of at least 300 feet, or 25 feet per dwelling unit, whichever is greater. The project proposes 13 dwelling units which equates to 325 square feet, but a waiver is proposed to eliminate this requirement.

- A waiver from SDMC section 159.0307(b)(6)(A) which requires that a building on a street corner lot shall be set back behind an imaginary line that connects a point on each of the street front property lines which is distant from the corner by a length equal to 20 percent of the parcel frontage along that street, or 20 feet, whichever is less. The project proposes to reduce this requirement from a 20-foot triangle to an 8-foot triangle.
 - A waiver from SDMC section 142.0560(d)(3) which states that aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum equivalent to a parking space. Compliance with the vehicular circulation requirement would physically preclude construction of the project, which is a qualifying density bonus project.
 - A waiver from SDMC section 142.0530(g) which requires motorcycle parking spaces for the non-residential portion of the project to be provided at a ratio of two percent of the number of automobile parking spaces provided or two spaces, whichever is greater. Compliance with the motorcycle parking requirement would physically preclude the construction of the project which is a qualifying density bonus project. The project proposes to eliminate this requirement from 2 commercial motorcycle parking spaces to zero commercial motorcycle parking spaces.
- e. Landscaping (planting, irrigation, and landscape related improvements);
- f. Off-street parking; and
- g. 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 January 27, 2028.
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.

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" The Climate Action Plan strategies as identified on Exhibit "A" shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

12. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

13. Prior to issuance of any building permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Affordable Housing Density Bonus Regulations of Chapter 14, Article 3, Division 7 of the San Diego Municipal Code and Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement will specify that in exchange for the City's approval of the Project, which contains a 35% density bonus (4 units in addition to what is permitted by the underlying zoning regulations), alone or in conjunction with any incentives or concessions granted as part of Project approval, the Owner/Permittee shall provide 1 affordable unit with rents of no more than 30% of 50% of AMI for no fewer than 55 years.

ENGINEERING REQUIREMENTS:

14. The Coastal Development Permit shall comply with all Conditions of the Final Map for the Tentative Map No. PMT-3189489.

15. Prior to the issuance of any building permit the Owner/Permittee shall dedicate, and assure by permit and bond, the improvement of an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond full width (P.L to P.L.) alley pavement per current City Standard adjacent to the site to satisfaction of the City Engineer.
17. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond the installation of alley apron per current City Standard on Forward Street as shown on the approved Exhibit "A" to satisfaction of the City Engineer.
18. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond installation of alley curb ramp on Forward Street satisfactory to City Engineer.
19. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond closure of existing driveway and installation of new curb/gutter per current City Standards on Forward Street satisfactory to the City Engineer.
20. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond replacement of existing driveway with a 25-foot wide standard driveway adjacent to the site on La Jolla Boulevard satisfactory to the City Engineer as shown on approved Exhibit "A".
21. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond, the replacement of the existing damaged concrete bus pad per current City Standard on La Jolla Blvd satisfactory to the City Engineer as shown on approved Exhibit "A".
22. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond replacement of existing curb and sidewalk per current City Standards along La Jolla Boulevard as shown on approved Exhibit "A" satisfactory to the City Engineer.
23. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for proposed sidewalk underdrains/curb outlet private walk and private wall /stairs within public right of way as shown on approved Exhibit "A".
24. The project proposes to export 2700 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2018 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
25. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
27. Prior to the issuance of any construction permit, the applicant shall submit 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 construction permit issuance.

28. 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:

29. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

30. 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 show, label, and dimension a 40-square-foot area around each tree, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

31. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

32. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

33. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in 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 Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

34. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

35. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

36. Prior to Certificate of Occupancy, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

37. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

38. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

PLANNING/DESIGN REQUIREMENTS:

39. 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.

40. 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.

41. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

42. 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.

TRANSPORTATION REQUIREMENTS:

43. The Owner/Permittee will provide the following Vehicles Miles Traveled (VMT) reduction measures:

- a. Provide on-site shared bicycle fleet parking in the location shown in Exhibit "A". The number of bicycles provided shall be equal to the number of bicycle spaces that otherwise be

required by SDMC Table 142-05C, or five bicycles, whichever is greater. The project proposed 6 bicycle spaces.

- b. Provide a bike repair station in the location shown in Exhibit "A".
- c. Provide two (2) low-cost amenities features to an existing transit stop (above existing conditions), including a trash receptacle and static schedule.

These improvements shall be completed and operational prior to first occupancy, satisfactory to the City Engineer.

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 January 27, 2025, and Approved Resolution Number R-315997.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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.

**PELICAN VENTURE LP, a California limited
partnership**
Owner/Permittee

By _____
Russell C. Murfey
Manager

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

Passed by the Council of The City of San Diego on JAN 27 2025, 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"/>
Henry L. Foster III	<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"/>
Kent Lee	<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 JAN 27 2025.

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Dinda Kruein*, Deputy
For *Gilbert Sanchez*

Office of the City Clerk, San Diego, California
Resolution Number R- <u>315997</u>