

RESOLUTION NUMBER R- 316790

DATE OF FINAL PASSAGE MAY 19 2026

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. 3213964 AND SITE DEVELOPMENT PERMIT NO. 3213965 WITH MODIFICATIONS TO PERMIT CONDITIONS FOR 8303 LA JOLLA SHORES DRIVE - PROJECT NO. PRJ-1085883.

RECITALS

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

A. Cielo Mar La Jolla, a California Limited Liability Company, Owner/Permittee, submitted an application to the City of San Diego for a Coastal Development Permit and Site Development Permit to demolish an existing 5,958-square-foot single dwelling unit, consolidate three parcels into a single lot totaling 4.45 acres for subdivision into six lots with common access via a proposed private street to Calle Del Cielo, and construct six single-dwelling units ranging from 11,729 square feet to 16,270 square feet with a garage and pool/spa facilities plus an accessory dwelling unit on Lot 6 only (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval), for the 8303 La Jolla Shores Drive project (Project).

B. The 4.45-acre Project site is located at 8303 La Jolla Shores Drive within the La Jolla Community Plan in the LJSPD-SF (La Jolla Shores Planned District Single Family) zone, Coastal Overlay Zone (Non-Appealable Area 2), and Coastal Height Limit Overlay Zone. The Project site is legally described as (APN: 346-250-08-00, 346-250-09-00 AND 346-250-10-00) Parcels 1, 2 AND 3 of Parcel Map No. 14620, in the City of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, January 8, 1987, as File No. 87-007322 of Official Records.

C. On December 4, 2025, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 3213964 and Site Development Permit No. 3213965 and voted 5-0-2 to approve the Project pursuant to Resolution No. 5365-PC.

D. On December 4, 2025 the Planning Commission adopted Addendum No. 1085883 to the La Jolla and Pacific Beach Community Plan and Local Coastal Program Land Use Plan Updates PEIR No. 92-0199/SCH No. 92071032 for the Project.

E. On December 17, 2025, Kenneth C. Jones of Higgs Fletcher & Mack, LLP, on behalf of Arthur and Lynn Kavanaugh, appealed the Planning Commission decision to the Council.

F. On May 19, 2026, the Council considered the appeal of the Planning Commission approval of Coastal Development Permit No. 3213964, Site Development Permit No. 3213965, and Tentative Map No. 3213966 pursuant to the Land Development Code of the City of San Diego.

G. 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.

H. 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. 3213964 and Site Development Permit No. 3213965:

**A. 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 approximately ½ miles east of the Pacific Ocean and is not between the nearest public road and the sea or the shoreline of any body of water. The La Jolla Community Plan and Local Coastal Program land use plan (Community Plan) does not designate the Project site as a physical accessway, view corridor, viewshed, or scenic overlook, per Fig. 9 of the Community Plan. The proposed development will be sited completely on private property, with no encroachment or impacts to public access.

While there are no designated public views across or adjacent to the site, the Project will conform to the 30-foot maximum structure height allowed in the Coastal Height Limitation Overlay Zone per San Diego Municipal Code section 132.0505 and in accordance with Proposition “D” measurement procedures. The building height for the new dwelling units does not exceed the 30-foot maximum, proposing a range between 25.5 and 29.75 feet.

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 the Local Coastal Program land use plan. The proposed 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.

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

The Project site is located within an urbanized area that was previously developed and contains non-native vegetation. City staff reviewed and accepted a Biological Technical Report prepared by Busby Biological Services, dated May 25, 2025, which concluded that the proposed development would not significantly impact sensitive biological resources. In addition, a focused survey did not detect Crotch’s Bumblebee individuals within or adjacent to the Project site. The Project

is conditioned to include in the construction plans specific avoidance measures to monitor and maintain no-work buffers should Crotch’s Bumblebees be found on-site.

The Project site does not contain any sensitive riparian habitats, other identified sensitive biological resources, sensitive coastal bluffs, or special flood hazard areas. Further, the Project site is not located within or adjacent to the Multi-Habitat Planning Area designated lands. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.**

The proposed development includes the consolidation of three parcels for subdivision into six residential lots with a common access via a proposed private street to the public right-of-way, demolition of an existing 5,958-square-foot single-dwelling unit (SDU) with an attached garage and construction of six SDUs ranging in Gross Floor area between 8,870 square feet and 14,332 square feet with garage, pool/spa facilities, covered patios and landscape improvements at each new lot plus an accessory dwelling unit (ADU) on Lot 6 only.

The existing structure is more than 45 years old and requires an evaluation of its historical significance. City staff determined that the property does not meet the local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The La Jolla Shores Planned District Ordinance requires all buildings and setbacks to be in general conformity with those in the vicinity. The Applicant has provided a survey containing lot sizes, gross floor areas, and setback dimensions for building structures within a 300-foot radius of the Project site. The survey shows the following ranges: lot area between 0.25 and 1.12 acres; front setback between 3 and 115.5 feet; side setbacks between 3 and 45.9 feet; and rear setback between 3.7 and 143.7 feet. The proposed subdivision will result in six residential lots ranging in area between 0.47 and 0.77 acres. The Project proposes the following setback ranges: Front Yard between 8 and 76.75 feet, Side Yards between 5 and 89.83 feet, and Rear Yard between 15.5 and 57 feet, all of which are consistent with the survey.

PROPOSED DEVELOPMENT							
LOT		BUILDING	COVERAGE	SETBACKS			
#	Area SF (Acres)	Gross Area (Total Area)	Max 0.60	Front	Side	Side	Rear
1	33,717 SF (0.77 AC)	8,870 SF (12,638)	0.25	59'-10"	6'-8"	20'-5"	29'-6"
2	20,737 SF (0.47 AC)	9,068 SF (12,495)	0.26	76'-9"	10'-10"	22'-6"	24'-5"

PROPOSED DEVELOPMENT							
LOT		BUILDING	COVERAGE	SETBACKS			
#	Area SF (Acres)	Gross Area (Total Area)	Max 0.60	Front	Side	Side	Rear
3	31,495 SF (0.72 AC)	14,332 SF (16,270)	0.35	51'-7"	28'-0" 10'-0"	89'-10"	15'-6"
4	30,241 SF (0.69 AC)	11,457 SF (11,729)	0.44	10'-0"	8'-1" 9'-5"	5'-0"	27'-5"
5	27,645 SF (0.63 AC)	12,612 SF (14,118)	0.34	8'-0"	8'-1"	5'-0"	16'-9"
6	25,935 SF (0.59 AC)	13,264 SF (14,498)	0.42	10'-0"	10'-1"	12'-7"	57'-0"

The proposed development includes the construction of one SDU at each lot with pool/spa facilities and landscape-related improvements:

Lot	Level	Habitable	Height	Description
1	Ground	369 SF	28'-6"	Two-story SDU, attached 3-car garage, covered patio, open trellis outdoor dining, detached gym/pool house, and second-floor green roof terraces.
	1	5,243 SF		
	2	4,099 SF		
	Total	9,711 SF		
2	Basement	3,028 SF	28'-7"	Two-story SDU, basement level 3-car garage, storage, gym, game room, and covered patio; main floor terrace; second floor covered balcony.
	1	3,598 SF		
	2	3,675 SF		
	Total	10,300 SF		
3	Basement		29'-3"	Two-story SDU, basement level golf-cart storage and batting cage; attached 3-car garage; outdoor dining; second floor partly covered patio.
	1	5,166 SF		
	2	4,077 SF		
	Total	9,243 SF		
4	1	6,576 SF	25'-6"	Two-story SDU, detached office space and detached 3-car garage.
	2	3,929 SF		
	Total	10,504 SF		
5	1	3,811 SF	29'-2"	Two-story SDU, detached gym, outdoor dining, workshop/office and game room at ground level; attached 3-car garage and partly covered patios at the main level.
	2	3,075 SF		
	Total	9,287 SF		
6	ADU	1,255 SF	29'-9"	Two-story SDU, attached 3-car garage, lower-level game room and covered patio. Detached ADU with 4-car garage and vehicular access from Calle Frescota.
	1	5,278 SF		
	2	11,935 SF		

The Community Plan policies include maintaining the neighborhood's residential character by conforming to density regulations and promoting development that is compatible with the existing residential scale.

- **Residential Densities.** The Community Plan designates the site for very low-density residential uses (zero to five dwelling units per acre). This density range is characterized by large estate homes built on 10,000 to 40,000-square-foot parcels. The proposed subdivision provides six legal

lots that range between 20,737 and 33,717 square feet with one SDU per lot, therefore conforming to the prescribed density. The Project also complies with the single-family zone development regulations in SDMC Section 1510.0304 by not exceeding the average dwelling unit density within 300 feet of the Project site. The survey shows an average density of 2; the proposed development does not exceed 2 dwelling units per acre. The proposed ADU at Lot 6 does not contribute to density calculations, pursuant to SDMC Section 141.0302(b)(2)(B), which states “ADUs and JADUs are not subject to the density limitations for the premises.” This language was certified under O-21254 and is applicable within the Coastal Overlay Zone (certified as of September 7, 2022, as part of the 2019 Housing Legislation Code Update). Please note that the most recently City-wide adopted ADU regulations (under O-21989, the 2025 Amendment to the ADU and JADU Regulations) removed this language but are pending certification by the California Coastal Commission.

- Community Character. The Project site is surrounded by one- and two-story single dwelling units with site amenities including tennis courts and swimming pools. The Community Plan recommendations for community character promote visual harmony with the surrounding neighborhood by encouraging design elements that create visual relief through features such as off-setting planes, building articulation, roofline treatments, diverse hardscape materials and setback variations. The General Plan Urban Design Element encourages the provision of architectural features that establish and define a building’s appeal, and the use of materials and finishes that reinforce a sense of quality and permanence. The proposed Project is consistent with these recommendations through the use of massing and articulation styles that are varied and include low-sloped and flat/parapet roofs. The proposed development minimizes bulk at the front façade by maximizing front setbacks and building mass articulation. Common building design features consist of modern, clean lines, massing step-backs, roofline variation, and changes in building materials, which include white and natural earth colors, wood siding, and stone. Each site has been designed utilizing the natural terrain for landscape areas, including terraced planting and water features that are unique to each lot.

Lot 1: The proposed design includes flat roofs and awnings, providing outdoor spaces with points of interest, including stepped planting areas and water features. Natural finishes include white stucco, natural stone veneer, wood trim and awnings, and a heavy timber trellis.

Lot 2: The site design incorporates terraced garden areas with low walls and a water feature. The building design consists of a white exterior with clean-edged vertical massing, including a flat roof and stepped facades. Exterior finishes include white stucco walls, white stone tile floors, and black metal trim.

Lot 3: The building design includes low-sloping roofs, covered patio areas, and large, segmented windows. Exterior finishes include a white standing seam metal roof, white stucco walls, white stone tile floors, and black metal trim.

Lot 4: The building design consists of low-profile horizontal massing with flat roofs. It provides roof cutouts for indoor-outdoor areas and light-filtering breaks. Exterior finishes include white stucco walls and green grass roofs.

Lot 5: The building design features a low-profile front façade with flat roofs and awnings. The rear of the lot includes terraced landscape areas and water features. Natural finishes include white stucco, natural stone veneer, and wood trim and awnings.

Lot 6: The building design involves flat roofs and awnings, material blocking, and a connecting bridge. Exterior finishes include white stucco, wood siding, and matte black metal for the bridge.

In addition to design elements and finish materials that complement the character of the vicinity, the Project will observe setbacks to all property lines consistent with other properties within the neighborhood and maximum structure height limitations, thereby providing a harmonious transition between old and new development.

The Project was designed to comply with all the development standards required by the underlying LJSPD-SF zone, including density, building setbacks, floor area ratio, lot coverage, and the 30-foot maximum structure height allowed in the Coastal Height Limitation Overlay Zone. No deviations or variances are required. Therefore, the proposed Project 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 approximately ½ mile east of the Pacific Ocean and is not between the nearest public road and the sea or the shoreline of any body of water. In addition, the Project site is not located near any existing or proposed physical accessway that is utilized by the public, nor is it within or adjacent to any public vantage points, as identified in the community plan. Therefore, the Project is in conformance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]**

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

As set forth in Finding A.1.a and Finding A.1.c above, which are herein incorporated by reference, the proposed development conforms to the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The Project will consolidate three parcels into a single 4.45-acre site for its subdivision into six lots with common access via a proposed private street from Calle Del Cielo. The proposed development includes six SDUs with garages, pool/spa facilities, covered patios and landscape improvements at each new lot, plus an accessory dwelling unit on Lot 6 only. The Project site is located within an

urbanized area and has been reviewed for compliance with the City of San Diego's codes, policies, and regulations, with the primary focus of protecting the public's health, safety and welfare.

Stormwater impacts from the Project will be mitigated through the implementation of a Stormwater Management Device Maintenance Agreement detailing the ongoing maintenance of permanent Best Management Practices, which shall be in place prior to the issuance of any construction permits. In addition, a Risk Level Determination shall be calculated for the site, and a Stormwater Pollution Prevention Plan shall be implemented concurrently with the commencement of grading activities.

In addition, the Project is subject to conditions of approval that include the reconstruction of off-site improvements per current city standards, including the reconstruction of existing curb and gutter adjacent to the site on Calle Del Cielo, construction of a 5-foot-wide contiguous sidewalk connecting with the existing sidewalk on the west side of Calle Del Cielo, as shown on Exhibit 'A'; Maintenance of all required landscape consistent with the Landscape Standards in a disease, weed, and litter-free condition at all times; A bonded Grading permit for the site's proposed grading. All conditions of approval shall be completed prior to the issuance of the first building permit satisfactory to the City Engineer. Therefore, the proposed development will not be detrimental to public health, safety, and welfare.

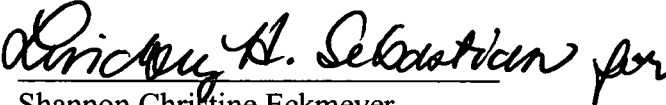
**3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As set forth in Finding A.1.c above, which is herein incorporated by reference, the proposed development complies with the regulations of the Land Development Code. No deviations are requested or required.

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

3. The appeal of Kenneth C. Jones of Higgs Fletcher & Mack, LLP, on behalf of Arthur and Lynn Kavanaugh is denied; the decision of the Planning Commission is affirmed with modification to permit conditions 26, 31, and 45 and the addition of new permit conditions 25 and 50; and Coastal Development Permit No. 3213964 and Site Development Permit No. 3213965 are granted to Cielo Mar La Jolla, a California Limited Liability Company, 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 Christine Eckmeyer  
Deputy City Attorney

SCE:cm  
May 21, 2026  
Or.Dept: DSD  
Doc. No. 4438543

ATTACHMENT: Coastal and Site Development Permit

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

~~MAY 19 2026~~

DIANA J.S. FUENTES  
City Clerk

By Krystell Medina  
Deputy City Clerk

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
DSD-1A

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION DSD-1A**

INTERNAL ORDER NUMBER: 24009517

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 3213964  
SITE DEVELOPMENT PERMIT NO. 3213965  
**8303 LA JOLLA SHORES DRIVE - PROJECT NO. PRJ-1085883**  
CITY COUNCIL

This Coastal Development Permit No. 3213964 and Site Development Permit No. 3213965 is granted by the Planning Commission of the City of San Diego to Cielo Mar La Jolla, Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0707(a) and 1510.0201(d). The 4.45-acre site is located at 8303 La Jolla Shores Drive in the La Jolla Shores Planned District Single Family (LJSPD-SF) Zone, Coastal Overlay Zone (Non-Appealable Area 2), and Coastal Height Limit Overlay Zone, within the La Jolla Community Plan. The project site is legally described as (APN: 346-250-08-00, 346-250-09-00 AND 346-250-10-00) Parcels 1, 2 AND 3 of Parcel Map No. 14620, in the City of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, January 8, 1987, as File No. 87-007322 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/ Permittee to demolish an existing 5,958-square-foot single dwelling unit, consolidate three parcels into a single lot totaling 4.45 acres for subdivision into six lots with common access to Calle Del Cielo, and construct six single-dwelling units ranging from 11,729 square feet to 16,270 square feet with a garage and pool/spa facilities described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 19, 2026, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing single dwelling unit (SDU) with an attached garage;
- b. A Tentative Map to consolidate three parcels into a single lot totaling 194,277 square feet (4.45 acres) for subdivision into six numbered residential lots and one lettered lot designated as a private access road to the public right-of-way (ROW);
  - a. Lot 1: 0.77 acres (33,717 sq. ft.)
  - b. Lot 2: 0.47 acres (20,737 sq. ft.)
  - c. Lot 3: 0.72 acres (31,495 sq. ft.)
  - d. Lot 4: 0.69 acres (30,241 sq. ft.)
  - e. Lot 5: 0.63 acres (27,645 sq. ft.)

- f. Lot 6: 0.59 acres (25,935 sq. ft.)
  - g. Lot A: 0.56 acres (24,251 sq. ft.)
- c. Construction of one SDU with garage and pool/spa facilities at each numbered lot;
- a. Lot 1: Two-story, 12,638-square-foot SDU, including an attached three-car garage, covered patio, open trellis outdoor dining, a detached gym/pool house, and second-floor green roof terraces. (9,711 S.F. habitable space)
  - b. Lot 2: Two-story, 12,495-square-foot SDU, including a basement level three-car garage, storage, gym, game room, and covered patio; main-floor terrace; second-floor covered balcony. (10,300 S.F. habitable space)
  - c. Lot 3: Two-story, 16,270-square-foot SDU, including basement level golf-cart storage and batting cage, an attached three-car garage, outdoor dining, and a second-floor partly covered patio. (9,243 S.F. habitable space)
  - d. Lot 4: Two-story, 11,729-square-foot SDU, including a detached office space and detached three-car garage. (10,504 S.F. habitable space)
  - e. Lot 5: Two-story, 14,118-square-foot SDU, including a detached gym, outdoor dining, workshop/office and game room at ground level; an attached three-car garage, and partly covered patios at the main level. (9,287 S.F. habitable space)
  - f. Lot 6: Two-story, 14,498-square-foot SDU, including an attached three-car garage, and a detached 1,255-square-foot accessory dwelling unit with an attached three-car garage and vehicular access to Calle Frescota. (11,935 S.F. habitable space)
- d. Construction of a private street on lot A providing vehicular access to Calle Del Cielo;
- e. Landscaping (planting, irrigation and landscape-related improvements); and
- f. 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 May 19, 2029.

2. 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.

3. 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.

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

5. 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.).

6. 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.

7. 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.

8. 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.

9. 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.

10. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed (NTP) for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Designee shall verify the following project requirements regarding the Crotch's bumble bee are shown on the construction permit:

- a. To avoid impacts on Crotch's bumblebee, removal of habitat in the proposed area of disturbance must occur outside of the Colony Active Period between April 1 and August 31. If the removal of habitat in the proposed area of disturbance must occur during the Colony Active Period, a Qualified Biologist shall conduct a pre-activity (defined as any habitat disturbance) survey no more than 3 days prior to the initiation of construction activities to determine the presence or absence of Crotch's bumble bee within the proposed area of disturbance.
- b. A Qualified Biologist must demonstrate the following qualifications: at least 40 hours of experience surveying for bee or other co-occurring aerial invertebrate species (such as Quino checkerspot butterfly [Euphydryas editha quino]) and have completed a Crotch's bumblebee detection/identification training by an expert Crotch's bumble bee entomologist; or the biologist must have at least 20 hours of experience directly observing Crotch's bumble bee.
- c. The pre-activity survey shall consist of photographic surveys following the survey guidelines of the California Department of Fish & Wildlife (CDFW) 2023. The surveys shall consist of passive methods unless a Memorandum of Understanding (MOU) is obtained.
- d. If additional activities (e.g., capture or handling) are deemed necessary to identify bumble bees of an unknown species that may be Crotch's bumble bee, then the Qualified Biologist shall obtain the required authorization via an MOU or Scientific Collecting Permit (SCP) pursuant to the survey guidelines (CDFW 2023). Survey methods that involve lethal take of species are not acceptable.
- e. If pre-activity surveys identify Crotch's bumble bee individuals on-site, the Qualified Biologist shall notify and consult with CDFW to establish, monitor, and maintain no-work

buffers around the associated floral resources. The size and configuration of the no-work buffer shall be based on the best professional judgment of the Qualified Biologist in consultation with CDFW. Construction activities shall not occur within the no-work buffers until the bees appear no longer active (i.e., associated floral resources appear desiccated and no bees are seen flying for three consecutive days, indicating dispersal from the area). Take of any endangered, threatened, candidate species that results from the project is prohibited, except as authorized by State law, California Fish & Game Commission (CFG) section 86, 2062, 2067, 2068, 2080, 2085; California Code Regulations, Title 14, section 786.9 under the California Endangered Species Act (CESA).

- f. Survey data shall be submitted by the Qualified Biologist to the California Natural Diversity Data Base (CNDDDB) in accordance with the MOU with CDFW, or SCP requirements, as applicable.

#### **ENGINEERING REQUIREMENTS:**

12. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb and gutter per current City Standards adjacent to the site on Calle Del Cielo, to the satisfaction of the City Engineer.

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of the sidewalk per current City Standards adjacent to the site on Calle Del Cielo, in a manner satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA) for the landscape, irrigation and curb outlet located within the City's ROW, to the satisfaction of the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Storm Water Management Device Maintenance Agreement detailing the ongoing maintenance of permanent Best Management Practices (BMP), to the satisfaction of the City Engineer.

16. The development of this project shall comply with all the storm water construction requirements of the State Construction General Permit Order No. 2022-0057-DWQ. In accordance with Order No. 2022-0057-DWQ or subsequent order, a Risk Level Determination shall be calculated for the site, and a Storm water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

17. Prior to the issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section 11.C of Order No. 2022-0057-DWQ and a copy shall be submitted to the City.

18. The development of this project shall comply with all permanent stormwater requirements of Municipal Stormwater Permit No. 2013-0001, or subsequent order, and the current version of the City of San Diego's Stormwater Standards Manual.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to the issuance of any construction permits, the applicant shall submit a Technical Report based on the stormwater standards in effect at the time of the construction permit issuance. The report will be subject to final review and approval by the City Engineer.

21. Prior to the issuance of any construction permits, the applicant shall ensure that no dry weather flows are discharged to the receiving storm conveyance system in accordance with Areas of Special Biological Significance (ASBS) requirements.

22. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction BMP necessary to comply with the Grading Regulations of SDMC Chapter 14, Article 2, Division 1, into the construction plans or specifications, to the satisfaction of the City Engineer.

23. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall comply with the requirements of the SDMC, to the satisfaction of the City Engineer.

24. Prior to the issuance of a Grading Permit, the applicant shall enter into an agreement to indemnify, protect, and hold harmless the City, its officials, and employees from any and all claims, demands, causes of action, liability, or loss arising from or related to flood waters.

25. Prior to the issuance of a Grading Permit, the applicant shall prepare a Drainage Study to the satisfaction of the City Engineer. The Drainage Study shall include a peak flow attenuation analysis demonstrating that the proposed multi-use detention facilities (water quality treatment and peak flow attenuation) mitigate the developed-condition 100-year peak flows to less than the pre-developed-condition 100-year peak flows from the project site. To demonstrate peak flow attenuation, inflow hydrographs shall be based on a 6-hour hydrograph following guidance from the County of San Diego Hydrology Manual, and stage-storage and stage-discharge data shall follow Conjunctive Use Guidelines from the County of San Diego. The analysis shall generate routed outflow hydrographs based on discharges through the proposed riser structure, determine the 100-year routed peak flows, and determine the 100-year water surface elevations within the detention facilities, while providing adequate freeboard within the basins. As part of this analysis, the Drainage Study shall demonstrate that all 100-year runoff from the proposed project will enter the detention facilities via properly sized inlets, storm drains, if pumps are proposed, and stormwater pump stations (including pump curves, power reliability, and design redundancy), thus assuring 100-year peak flow attenuation and preventing any site runoff intended to enter detention facilities from bypassing the multi-use detention facilities. The Drainage Study shall also include a hydraulic storm drain analysis for the sizing and design of the proposed storm drain along Calle Frescota, from the project site to the curb outlet at La Jolla Shores downstream, ensuring the 100-year peak flow is contained in the storm drain system, and the proposed Cielo Mar project does not cause flooding to the surrounding properties.

**LANDSCAPE REQUIREMENTS:**

26. Prior to the issuance of any construction permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed

land, including replacement in-kind of any removal or damage to the existing hedges along Calle Frescota, in accordance with the City of San Diego Landscape Standards, Stormwater 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.

27. Prior to the issuance of any construction permits for public improvements, the Owner/ Permittee shall submit complete landscape construction documents for ROW improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree that is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

28. Prior to the issuance of any construction permits 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 SDMC Section 142.0403(b)(6).

29. 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.'

30. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the ROW, 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.

31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents, including existing hedges along Calle Frescota, is damaged or removed, the Owner/ Permittee shall repair and/or replace in kind and equivalent size per the approved documents, and/or to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

32. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents to the Development Services Department for approval. The construction documents shall be consistent with approved Exhibit "A," the La Jolla Shores Planned District Ordinance, the La Jolla Community Plan, and the Land Development Manual - Landscape Standards. Unplanted recreational areas, walks (areas used for access, whether paved, mulched, stepping stone, ground cover, or similar), and driveways may not count towards the minimum landscape area required by the La Jolla Shores Planned District Ordinance.

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

33. 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.

34. Prior to the issuance of any construction permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC Section 142.1301 et seq.).

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

36. 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**

37. All automobile parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall comply with the 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 by the appropriate City decision maker in accordance with the SDMC.

38. Prior to issuance of the first building permit, the Owner/Permittee shall remove a portion of an existing wall on the northern portion of Lot 6 and assure by permit and bond the construction of a 5-foot-wide contiguous sidewalk to connect with the existing sidewalk on the west side of Calle Del Cielo, as shown on Exhibit 'A' per current City standards, satisfactory to the City Engineer. All improvements shall be completed and operational prior to the first occupancy.

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

39. Prior to the issuance of any construction 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 ROW adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

40. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow prevention device(s) (BFPDs), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. The BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the ROW.

41. 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.

42. 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.

43. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

44. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity, then the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

45. Prior to final inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer. All on-site and off-site private sewer facilities shall be complete and operational in a manner satisfactory to the Building Inspector.

46. The project will be required to record private sewer easements for cross-lot private sewer lateral from one lot to another.

47. The project will be required to record a private water easement for cross-lot private water service from one lot to another.

48. The Owner/Permittee shall grant adequate sewer and water easements satisfactory to the Public Utilities Department and the City Engineer.

49. The Owner/Permittee shall process EMRAs for all acceptable encroachments into the sewer and water easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

50. Prior to final inspection, all on-site and off-site private sewer facilities shall be complete and operational in a manner satisfactory to the Building Inspector.

**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 May 19, 2026 and R- 316790

Coastal Development Permit No: 3213964  
Site Development Permit No: 3213965  
Date of Approval: May 19, 2026

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Veronica Davison  
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.

**CIELO MAR LA JOLLA, LLC**  
Owner/Permittee

By \_\_\_\_\_  
SCOTT SINNETT

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

Passed by the Council of The City of San Diego on May 19, 2026, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage . MAY 19 2026.


**(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 , Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Resolution Number <b>R-316790</b></p>
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