

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: July 12, 2023

REPORT NO. HO-23-039

HEARING DATE: July 26, 2023

SUBJECT: 417 Sea Ridge Drive, Process Three Decision

PROJECT NUMBER: <u>484426</u>

OWNER/APPLICANT: Inspired Inc., Owner / Bejan Arfaa Architects, Applicant

SUMMARY:

<u>Issue</u>: Should the Hearing Officer approve the removal of an existing unpermitted concrete infill area used to stabilize the bluff on a site with an existing single-family residence adjacent to the coastal bluff at 417 Sea Ridge Drive within the La Jolla Community Plan area?

Proposed Actions:

- 1. Approve Coastal Development Permit No. 1705630 (amendment to Coastal Development Permit No. 95-0310); and
- 2. Approve Site Development Permit No. 1705631.

<u>Fiscal Considerations</u>: All costs associated with this action are recovered through a deposit account funded by the applicant.

Housing Impact Statement: No housing units are proposed.

<u>Community Planning Group Recommendation</u>: The owners of the property have opted not to obtain a recommendation from the La Jolla Community Planning Association.

<u>Environmental Review</u>: The project was determined to be categorically exempt from the California Environmental Quality Act pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) of the California Environmental Quality Act. The environmental determination for the project was made on March 28, 2023, and the opportunity to appeal the determination ended April 12, 2023. There were no appeals to the environmental determination.

BACKGROUND

The 0.24-acre site is developed with a single-family residence adjacent to the coastal bluff at 417 Sea Ridge Drive. Public beach access and coastal views are provided just north of the project site, however there is no public view or coastal access from the project site, as identified in the Community Plan. The project site is in the RS-1-7 Zone, Coastal Overlay Zone (Appealable Area), Sensitive Coastal Overlay Zone, Coastal Height Limit Overlay Zone, First Public Roadway, and Parking Impact Overlay Zone (Coastal and Beach) within the La Jolla Community Plan area (Attachments 1-3).

On October 12, 1995, the Planning Commission approved Coastal Development Permit (CDP) No. 95-0310 (Attachment 7) to remove existing accessory improvements along the coastal bluff, construct an on-site drainage system, and re-landscape the bluff top. On April 25, 2016, the City's Code Enforcement Division issued a Notice of Violation under Case No. 231149 for an unpermitted concrete infill area used to stabilize the bluff.

A Process Three Coastal Development Permit is required to amend CDP No. 95-0310 and for development within the appealable area of the Coastal Overlay Zone which is not exempt by San Diego Municipal Code (SDMC) Section <u>126.0704</u>. A Process Three Site Development Permit is also required for development on environmentally sensitive lands in the form of a sensitive coastal bluff, per SDMC Section <u>126.0502</u>. The discretionary actions have been consolidated under this application and processed concurrently, pursuant to the Consolidation of Processing regulations contained in SDMC Section <u>112.0103</u>.

The decision to approve, conditionally approve, or deny the project shall be made by the Hearing Officer, and the decision is appealable to the Planning Commission. For decisions involving coastal development within the appealable area, the final City decision is appealable to the Coastal Commission.

DISCUSSION

The project (Attachment 10 – Project Plans) includes removing an existing unpermitted concrete infill area used to stabilize the bluff. The scope of work also includes removing a portion of a planter that was installed within the five-foot bluff setback area; removing portions of an existing private walk ramp, drain and site wall that encroaches into the public right-of-way; installing erosion control netting and hydroseeding along the face of the western slope; and installing a new sidewalk underdrain per City standards. The implementation of these improvements is required to resolve Code Enforcement Case No. 231149.

The project complies with SDMC Section <u>143.0143</u> which addresses development regulations for sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain is considered the addition of a safety or health protection device related to the existing structures and topographical features. Staff has reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include an Encroachment Maintenance Removal Agreement for the curb outlet/sidewalk underdrains along the public right-of-way; a bonded grading permit for the grading; implementation of storm water construction best management practices; maintenance of all landscape improvements; submittal of an updated geotechnical report that addresses the construction plans; and recordation of a hold harmless and indemnification agreement in favor of the City.

Staff has reviewed the proposal, including all the issues identified through the review process, and has determined that all project issues have been addressed. The project conforms with the Community Plan and the adopted City Council policies and regulations of the Land Development Code. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration.

ALTERNATIVES

- 1. Approve Coastal Development Permit No. 1705630 (amendment to Coastal Development Permit No. 95-0310) and Site Development Permit No. 1705631, with modifications.
- 2. Do not approve Coastal Development Permit No. 1705630 (amendment to Coastal Development Permit No. 95-0310) and Site Development Permit No. 1705631, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Xavier Del Valle, Development Project Manager

Attachments:

- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Draft Permit Resolution with Findings
- 5. Draft Permit with Conditions
- 6. CEQA Exemption
- 7. Coastal Development Permit No. 95-0310
- 8. Pictures of Bluff Area
- 9. Ownership Disclosure Statement
- 10. Project Plans





Project Location Map

<u>417 Sea Ridge Drive</u> Project No. 484426 – 417 Sea Ridge Drive









Aerial Photograph

<u>417 Sea Ridge Drive</u> Project No. 484426 – 417 Sea Ridge Drive



ATTACHMENT 4

HEARING OFFICER RESOLUTION NO. _____ COASTAL DEVELOPMENT PERMIT NO. 1705630 AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 95-0310 SITE DEVELOPMENT PERMIT NO. 1705631 417 SEA RIDGE – PROJECT NO. 484426

WHEREAS, INSPIRED INC., a Nevada Corporation, Owner/Permittee, filed an application with the City of San Diego for a permit to remove an unpermitted concrete infill area used to stabilize the bluff (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1705630, an amendment to Coastal Development Permit No. 95-0310, and Site Development Permit No. 1705631), on portions of a 0.24acre site;

WHEREAS, the project site is located at 417 Sea Ridge Drive in the RS-1-7 Zone, Coastal Overlay Zone (Appealable Area), Sensitive Coastal Overlay Zone, Coastal Height Limit Overlay Zone, First Public Roadway, and Parking Impact Overlay Zone (Coastal and Beach) within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 13066, 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, December 23, 1983, as File No. 83-469723, of Official Records.

WHEREAS, on March 28, 2023, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and 15304 Minor Alterations to Land) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; WHEREAS, on July 26, 2023, the Hearing Officer of the City of San Diego considered Coastal

Development Permit No. 1705630 (amendment to Coastal Development Permit No. 95-0310) and

Site Development Permit No. 1705631, pursuant to the Land Development Code of the City of San

Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following

findings with respect to Coastal Development Permit No. 1705630 (amendment to Coastal

Development Permit No. 95-0310) and Site Development Permit No. 1705631:

A. <u>COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code Section (SDMC) Section</u> <u>126.0708]</u>

1. <u>Findings for all Coastal Development Permits:</u>

a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The project site is developed with a single-family residence adjacent to the coastal bluff within the La Jolla community. Public beach access and coastal views are provided just north of the project site, however there is no public view or coastal access from the project site, as identified in the Community Plan. The project includes removing an existing unpermitted concrete infill area used to stabilize the bluff. The scope of work also includes removing a portion of a planter that was installed within the five-foot bluff setback area; removing portions of an existing private walk ramp, drain and site wall that encroaches into the public right-of-way; installing erosion control netting and hydroseeding along the face of the western slope; and installing a new sidewalk underdrain per City standards.

The project will enhance and protect public views to and along the ocean and other scenic coastal areas since the project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Therefore, the project will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway

identified in a Local Coastal Program land use plan; and the 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.

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

The project complies with San Diego Municipal Code (SDMC) Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. On October 12, 1995, the Planning Commission approved Coastal Development Permit No. 95-0310 to remove existing accessory improvements along the coastal bluff, construct an on-site drainage system, and relandscape the bluff top. On April 25, 2016, the City's Code Enforcement Division issued a Notice of Violation under Case No. 231149 for an existing unpermitted concrete infill area used to stabilize the bluff.

The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Staff has reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

The project was determined to be categorically exempt from the California Environmental Quality Act pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land). Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. The implementation of these improvements and the removal of the existing concrete, planter, private walk ramp, drain, and wall will resolve Code Enforcement Case No. 231149. 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.

d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project site is developed with a single-family residence adjacent to the coastal bluff within the La Jolla community. Public beach access is provided just north of the project site, however the Community Plan does not identify public access from the project site. The project is located on private property and will not adversely impact public recreation opportunities. Therefore, the project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. <u>SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]</u>

1. Findings for all Site Development Permits:

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

The project site is developed with a single-family residence adjacent to the coastal bluff in the La Jolla community. Public beach access and coastal views are provided just north of the project site, however there is no public view or coastal access from the project site, as identified in the Community Plan. The project includes removing an existing unpermitted concrete infill area used to stabilize the bluff. The scope of work also includes removing a portion of a planter that was installed within the five-foot bluff setback area; removing portions of an existing private walk ramp, drain and site wall that encroaches into the public right-of-way; installing erosion control netting and hydroseeding along the face of the western slope; and installing a new sidewalk underdrain per City standards. The implementation of these improvements will resolve Code Enforcement Case No. 231149.

The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

Staff has reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic

conditions, and drainage for the project complies with the City's drainage regulations and standards. The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include an Encroachment Maintenance Removal Agreement for the curb outlet/sidewalk underdrains along the public right-of-way; a bonded grading permit for the grading; implementation of storm water construction best management practices; maintenance of all landscape improvements; submittal of an updated geotechnical report that addresses the construction plans; and recordation of a hold harmless and indemnification agreement in favor of the City. Therefore, the project will not be detrimental to the public, health, safety, and welfare.

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

The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. No deviations or variances are required. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Implementation of these improvements will resolve Code Enforcement Case No. 231149. Therefore, the project will comply with the regulations of the Land Development Code and no deviations area required.

Supplemental Findings - Environmentally Sensitive Lands:

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The project site is developed with a single-family residence adjacent to the coastal bluff within the La Jolla community. The project includes removing an unpermitted concrete infill area used to stabilize the bluff. The scope of work also includes removing a portion of a planter that was installed within the five-foot bluff setback area; removing portions of an existing private walk ramp, drain and site wall that encroaches into the public right-of-way; installing erosion control netting and hydroseeding along the face of the western slope; and installing a new sidewalk underdrain per City standards.

The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard

drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Staff has reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include an Encroachment Maintenance Removal Agreement for the curb outlet/sidewalk underdrains along the public right-of-way; a bonded grading permit for the grading; implementation of storm water construction best management practices; maintenance of all landscape improvements; and submittal of an updated geotechnical report that addresses the construction plans.

The project was determined to be categorically exempt from the California Environmental Quality Act pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land). Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Staff has reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include an Encroachment Maintenance Removal Agreement for the curb outlet/sidewalk underdrains along the public right-of-way; a bonded grading permit for the grading; implementation of storm water construction best management practices; maintenance of all landscape improvements; and submittal of an updated geotechnical report that addresses the construction plans.

The project was determined to be categorically exempt from the California Environmental Quality Act pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land). Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The project site is developed with a single-family residence adjacent to the coastal bluff in the La Jolla community. The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Staff has reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include an Encroachment Maintenance Removal Agreement for the curb outlet/sidewalk underdrains along the public right-of-way; a bonded grading permit for the grading; implementation of storm water construction best management practices; maintenance of all landscape improvements; and submittal of an updated geotechnical report that addresses the construction plans.

The project was determined to be categorically exempt from the California Environmental Quality Act pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land). Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

The project will not adversely impact the City's Multiple Species Conservation Program area. The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features. Implementation of these improvements will resolve Code Enforcement Case No. 231149. The project is not located within the Vernal Pool Habitat Conservation area. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The project complies with SDMC Section 143.0143 which addresses development regulations for environmentally sensitive lands in the form of sensitive coastal bluffs. The removal of the existing concrete, planter, private walk ramp, drain, and wall are considered minor alterations to an existing facility since no expansion of use would occur. The installation of erosion control netting, hydroseeding, and a City standard drain are considered the addition of a safety or health protection device related to the existing structures and topographical features and would deter erosion of the bluff. Staff has reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The project permit contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include an Encroachment Maintenance Removal Agreement for the curb outlet/sidewalk underdrains along the public right-of-way; a bonded grading permit for the grading; implementation of storm water construction best management practices; maintenance of all landscape improvements; and submittal of an updated geotechnical report that addresses the construction plans. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The above findings are supported by the minutes, maps and exhibits, all of which are

incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing

Officer, Coastal Development Permit No. 1705630 (amendment to Coastal Development Permit No.

95-0310) and Site Development Permit No. 1705631 is hereby GRANTED by the Hearing Officer to

ATTACHMENT 4

the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1705630 (amendment to Coastal Development Permit No. 95-0310) and Site Development Permit No. 1705631, a copy of which is attached hereto and made a part hereof.

Xavier Del Valle Development Project Manager Development Services

Adopted on July 26, 2023

IO#: 24006635

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: 24006635

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1705630 SITE DEVELOPMENT PERMIT NO. 1705631 AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 95-0310 **417 SEA RIDGE - PROJECT NO. 484426** HEARING OFFICER

This Coastal Development Permit No. 1705630 (amendment to Coastal Development Permit No. 95-0310) and Site Development Permit No. 1705631 is granted by the Hearing Officer of the City of San Diego to INSPIRED INC., a Nevada Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702, 143.0143 and 126.0502. The 0.24-acre site is located at 417 Sea Ridge Drive in the RS-1-7 Zone, Coastal Overlay Zone (Appealable Area), Sensitive Coastal Overlay Zone, Coastal Height Limit Overlay Zone, First Public Roadway, and Parking Impact Overlay Zone (Coastal and Beach) within the La Jolla Community Plan area. The project site is legally described as: Parcel 1 of Parcel Map No. 13066, 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, December 23, 1983, as File No. 83-469723, of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to remove an unpermitted concrete infill area used to stabilize the bluff as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 26, 2023, on file in the Development Services Department.

The project shall include:

- a. Removing an existing unpermitted concrete infill area used to stabilize the bluff; remove portion of a planter that was installed within the five-foot bluff setback area; remove portions of an existing private walk ramp, drain and site wall that encroaches into the public right-of-way; install erosion control netting and hydroseeding along the face of the western slope; and installing a new sidewalk underdrain; and
- b. 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 August 9, 2026.

2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.

3. Except as amended herein, all conditions to Coastal Development Permit No. 95-0310 shall remain in full force and effect.

4. 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 the Owner/Permittee signs and returns the Permit to the Development Services Department and the permit is recorded in the Office of the San Diego County Recorder.

5. 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.

6. 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.

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

8. 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.).

9. 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.

10. 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.

11. 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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. 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:

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

ENGINEERING REQUIREMENTS:

14. The proposed drainage system is subject to approval by the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the proposed grading for the project. All grading shall conform to the requirements of the SDMC, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate into the construction plans or specifications any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC.

17. Prior to the issuance of any construction permits, 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.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the curb outlet/sidewalk underdrains along the Sea Ridge Drive public right-of-way, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City's 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 and Exhibit "A," on file in the Development Services Department.

20. Prior to issuance of any construction permits, the Owner/Permittee shall submit to the Development Services Department for approval complete landscape construction documents for public right-of-way improvements. 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 to not prohibit the placement of street trees.

21. Prior to issuance of any construction permits, the Owner/Permittee shall submit to the Development Services Department for approval complete landscape and irrigation construction documents, which are consistent with the City's Landscape Standards. 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).

22. 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."

23. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements as shown on the approved plans, including in the public 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 landscaping shall be maintained consistent with the City's Landscaping Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

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

GEOLOGY REQUIREMENTS:

25. Prior to the issuance of any construction permits, the Owner/Permittee shall submit an addendum geotechnical investigation report that specifically addresses the proposed construction plans. The addendum geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services.

PLANNING/DESIGN REQUIREMENTS:

26. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved development.

27. The automobile 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.

28. 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.

29. 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.

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 Hearing Officer of the City of San Diego on July 26, 2023, and [Approved Resolution Number].

Page 6 of 7

ATTACHMENT 5

Coastal Development Permit No. 1705630 (Amendment to Coastal Development Permit No. 95-0310) Site Development Permit No. 1705631 Date of Approval: July 26, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Xavier Del Valle 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.

INSPIRED INC. Owner/Permittee

By .

Rami Amir On behalf of INSPIRED, INC.

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



THE CITY OF SAN DIEGO

Date of Notice: March 28, 2023 NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION DEVELOPMENT SERVICES DEPARTMENT

SAP or I.O. No. 24006635

PROJECT NAME / NUMBER: Sea Ridge / 484426 COMMUNITY PLAN AREA: La Jolla Community Plan COUNCIL DISTRICT: 1 LOCATION: 417 Sea Ridge Drive, La Jolla, California 92037

PROJECT DESCRIPTION: The project proposes a COASTAL DEVELOPMENT PERMIT and SITE DEVELOPMENT PERMIT to remove an existing concrete infill area used to stabilize the bluff that was installed without a permit; remove portion of a planter that was installed within the five-foot bluff setback area;; remove portions of an existing private walk ramp, drain and site wall that encroach into the public right-of-way; install erosion control netting and hydroseed along the face of the western slope; and install a new sidewalk underdrain per City of San Diego Standards. These improvements are required to resolve Code Violation Case CE#231149.

The 0.24-acre project site is located at 417 Sea Ridge Drive (Assessor's Parcel Number 415-062-11) and is in the First Public Roadway, RS-1-7 Zone, , Coastal (Appealable Area) Overlay Zone, Coastal Height Limitation Overlay Zone, Sensitive Coastal Resource Overlay Zone, and Parking Impact Overlay Zone (Beach and Coastal), within the La Jolla Community Plan area. The land use designation is Low Density Residential (5 - 9 dwelling units per acre). (LEGAL DESCRIPTION: Parcel 1 of Parcel Map No. 13066.)

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego [Hearing Officer]

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Sections 15301, Existing Facilities; and 15304, Minor Alterations to Land. Specifically, the removal of existing concrete, planter, private walk ramp, drain, and wall would be considered minor alterations to an existing facility pursuant to CEQA State Guidelines Section 15301considering no expansion of use would occur. The installation of erosion control netting, hydroseeding, and installation of a drain in accordance with City of San Diego Standards would be considered the addition of a safety or health protection device in association with existing structures and topographical features per CEQA State Guidelines Section 15301(f). These proposed changes are also considered minor alterations to land pursuant to CEQA State Guidelines Section 15304 considering the associated minimal affects to the environment and lack of effects to scenic trees. The project is not subject to any exceptions listed in CEQA State Guidelines Section 15300.2, as it would not result in a significant cumulative impact, significant effect on the environment, damage to a scenic highway, substantial adverse change to a historic resource, and would not be located on a hazardous waste site pursuant to Section 65962.5 of the Government Code.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Sections 15301, Existing Facilities; and 15304, Minor Alterations to Land. The exceptions listed in Section 15300.2 would not apply.

| DEVELOPMENT PROJECT MANAGER: | Xavier Del Valle |
|-------------------------------------|---|
| MAILING ADDRESS: | 1222 First Avenue, MS 501, San Diego, CA 92101-4153 |
| PHONE NUMBER / EMAIL: | (619) 557-7941 / XDelValle@sandiego.gov |

On March 13, 2023 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by the Development Services Department to the City Council must be filed in the office of the City Clerk by 5:00pm within 10 business days from the date of the posting of this Notice (April 12, 2023). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101. Appeals to the City Clerk must be filed by email or in-person as follows:

- <u>Appeals filed via E-mail</u>: The Environmental Determination Appeal Application Form <u>DS-3031</u> can be obtained at <u>https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031</u>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to <u>Hearings1@sandiego.gov</u> by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) <u>Appeals filed in person</u>: Environmental Determination Appeal Application Form <u>DS-3031</u> can be obtained at <u>https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf</u>, Bring the fully completed appeal application <u>DS-3031</u> (including grounds for appeal and supporting documentation) to the City Administration Building—Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.

| DOOTED HU | THE OFFICE OF DSD |
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| PUSIBUR | |
| Posted | MAR 2 8 2023 M |
| Removed_ | APR 1 2 2023 |
| Posted by | Myralee |

Attachment 7

UNE ORIGINAL OF THIS DOCUMENT WAS RECORDED ON <u>08-DEC-1995</u>, DOCUMENT NUMBER 1995-0560092. GREGORY SMITH, COUNTY RECORDER SAN DIEGD COUNTY RECORDER'S OFFICE

DEC 12 RED from Cuty DSD

RECORDING REQUESTED BY CITY OF SAN DIEGO Development Services Department, Development and Environmental Planning Division

AND WHEN RECORDED MAIL TO PERMIT INTAKE MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT AND SENSITIVE COASTAL RESOURCE OVERLAY ZONE NO. 95-0310 UPPER BLUFF STABILIZATION PLANNING COMMISSION

This Coastal Development and Sensitive Coastal Resource Overlay Zone Permit No. 95-0310 is granted by the Planning Commission of the City of San Diego to JAY NAIDU, Owner/Permittee, pursuant to Sections 105.0202 AND 101.0480 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to remove existing accessory improvements along the coastal bluff and, construct an on-site drainage system and re-landscape bluff top for property located at 417 Sea Ridge Drive, described as Parcel 1, Map 13066, in the R1-5000 Zone.

- 2. The development shall consist of the following:
 - a. Removal of accessory improvements seaward of the existing swimming pool wall, construction of a drainage system which pumps on-site drainage to the public street and landscaping of the coastal bluff with the installation of temporary irrigation as shown on Exhibit "A", dated October 12, 1995;
 - b. Landscaping;
 - c. Incidental accessory uses as may be determined incidental and approved by the Development Services Director.

3. Prior to the commencement of any work or activity authorized by this permit the following shall be required:

a. The Permittee shall sign and return this permit to the Development Services Department, Development and Environmental Planning Division; and

Page 1 of 10

b. The Coastal Development and Sensitive Coastal Resource Overlay Permit shall be is recorded by the Development Services Department in the office of the County Recorder.

4. Prior to the commencement of any work or activity authorized by this permit, a complete landscape plan, including a temporary irrigation system, shall be submitted to the Development Services Director for approval. Native and other drought-tolerant plant species shall be utilized in order to minimize irrigation requirements and to, reduce potential slide hazards due to over-watering of the bluffs. All irrigation from the bluff edge top to 40 feet inland shall be temporary drip irrigation. Planting shall extend to the area of disturbance on the bluff to reduce erosion. The Plans shall be in substantial conformity to Exhibit "A," dated October 12, 1995, on file in the office of the Development Services Department, Development and Environmental Planning Division.

5. Approved planting shall be installed and inspected prior to the issuance of engineering drainage permit. All landscape shall be inspected by the landscape inspectors for Development and Environmental Planning Division, Development Services Department. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

6. The property included within this Coastal Development and Sensitive Coastal Resource Overlay shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the Development Services Director or the permit has been revoked by the City of San Diego.

7. This Coastal Development and Sensitive Coastal Resource Overlay permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

8. This Coastal Development and Sensitive Coastal Resource Overlay Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

9. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

10. No demolition, work or activity shall be undertaken inconsistent with the approved plan Exhibit "A," dated October 12, 1995 on file in the Development Services Department, Development and Environmental Planning Division.

11. All drainage from the site shall be directed away from the bluff edge in accordance with the approved preliminary drainage plan Exhibit "A," dated October 12, 1995 and on file in the Development Services Department, Development and Environmental Planning Division.

12. Title Restrictions. Prior to the commencement of any work or activity authorized by this permit, the applicant shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement, in a form and content acceptable to the Development Services Director, or designated representative, which shall provide: (a) that the applicant understands that no development shall occur on the landscaped area within five feet of the Bluff Top (as illustrated on approved plan Exhibit "A") or on the face of the Bluff; and (b) that the applicant understands that the site may be subject to extraordinary hazard from coastal bluff erosion and the applicant assumes the liability from such hazards; and (c) the applicant unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successor and assigns.

13. All mitigation measures listed in the Negative Declaration No. 95-0310 are incorporated as conditions within this permit by reference.

14. Prior to the commencement of any work or activity authorized by this permit, the applicant shall obtain approval from the Deputy Director, Coastline Parks and Golf Course Division. The Deputy Director can require the applicant to obtain a right-of-entry permit to access the site from public property for any work necessary to demolish and install improvements permitted by this permit. Said right-of-entry permit shall specify dates of demolition, safety issues for the contractor and the public, type of equipment to be used, access points for equipment, clean-up plans and schedule, proof of insurance with a hold harmless clause and any other issues determined by the Deputy Director to be necessary.

15. All site drainage including that from the existing structure, pool and pool drain shall be directed away from the coastal bluff and collected and drained to a pump which is discharged to Sea Ridge Drive. The drainage system shall be

Page 3 of 10

approved to the satisfaction of the City Engineer. Permits shall be obtained from the City Engineer for any work performed within the public right-of-way. An Encroachment Removal Agreement shall also be obtained from the City Engineer for any sidewalk underdrains carrying pumped/pressurized drainage.

16. The applicant shall conform to Section 62.0203 of the Municipal Code "Public Improvement Subject to Desuetude or Damage." If repair of replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit issuing authority.

17. Unless appealed this Coastal Development and Sensitive Coastal Resource Overlay Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action.

19. This Coastal Development and Sensitive Coastal Resource Overlay Permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 111.1122 of the Municipal Code.

19. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such 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 back to the discretionary body which approved the permit for determination by that body as to whether all of the findings necessary for the issuance of the 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.

20. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the Planning Commission of the City of San Diego on October 12, 1995.

PERMITS[LCW]] 126

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PLANNING COMMISSION RESOLUTION NO. 2221-PC COASTAL DEVELOPMENT AND SENSITIVE COASTAL RESOURCE OVERLAY PERMIT NO. 95-0310

WHEREAS, JAY NAIDU, Owner/Permittee, filed an application for a Coastal Development and Sensitive Coastal Resource Overlay Permit to develop subject property located at 417 Sea Ridge Drive in the La Jolla Community Planning Area, described as Parcel 1, Map 13066, in the R1-5-000 Zone; and

WHEREAS, on October 12, 1995, the Planning Commission of the City of San Diego considered Coastal Development and Sensitive Coastal Resource Overlay Permit No. 95-0310 pursuant to Sections 105.0202 and 101.0480 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopts the following written Findings, dated October 12, 1995.

COASTAL DEVELOPMENT PERMIT FINDINGS:

A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.

The project site is not located adjacent to any physical or visual access point utilized by the public as identified in the La Jolla/La Jolla Shores Local Coastal Land Use Plan. Therefore, the project will not obstruct views to or along the ocean from any public vantage point.

B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

An environmental analysis has been conducted for this proposed development and Negative Declaration No. 95-0310 has not identified any adverse affects on marine resources, environmental sensitive, archeological or paleontological resources. C. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.

An environmental analysis has been conducted for this proposed development and Negative Declaration No. 95-0310 has determined that proposed development is in compliance with the Resource Protection Ordinance relating to biologically sensitive resources. The site does not contain any prehistoric or historic resources.

D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.

The proposed development is located along a coastal bluff and is being designed to reduce any coastal bluff erosion resulting from on-site drainage. The proposed development therefore will, to the extent feasible, not contribute to beach erosion and will not adversely affect recreational, visitor-serving or coastal scenic resources.

E. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

An environmental analysis has been conducted for the proposed project and Negative Declaration No. 95-0310 has determined that no environmentally sensitive habitats or scenic resources will be adversely affected. The proposed development will remove some existing improvements and re-landscape the bluff with drought tolerate plant material.

F. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

The proposed develop is designed to correct on-site drainage which currently drains to a pipe extending over the bluff edge. Some grading is proposed to re-contour the bluff to direct on-site drainage to a catch basin and pump which will discharge to the public street. The proposed project therefore corrects an

Page 7 of 10

improper drainage system and will minimize undue risk from erosional forces. No flood or fire hazard exists on the site.

G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.

The site is currently undercut with bluff erosion extending behind an existing wall and concrete patio. The existing undercut improvements will be removed and the bluff restored with landscaping and a temporary irrigation system. The proposed project therefore, will enhance the visual quality of the bluff from the beach and ocean view.

H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.

The proposed development is designed to remove existing improvements which are a potential risk to the public and construct a drainage system to carry on-site drainage to the street as required by the regulations of the of the Sensitive Coastal Resource Overlay Zone. The proposed development also conforms with the policies and regulations for coastal bluff development as contained in the La Jolla Local Coastal Land Use Plan, the Coastal Development Permit Ordinance and Sensitive Coastal Resource Overlay Zone.

SENSITIVE COASTAL RESOURCE OVERLAY FINDINGS:

A. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, AND CONSTRUCTED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS UPON SENSITIVE COASTAL RESOURCES AND ENVIRONMENTALLY SENSITIVE AREAS.

An environmental analysis has been conducted for this proposed development and Negative Declaration No. 95-0310 has not identified any adverse affects on marine resources, environmental sensitive, archeological or paleontological resources.

B. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED COMMUNITY PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS. The project site is not located adjacent to any physical or visual access point utilized by the public as identified in the La Jolla/La Jolla Shores Local Coastal Land Use Plan. Therefore, the project will not obstruct views to or along the ocean from any public vantage point.

C. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISK FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

The proposed develop is designed to correct on-site drainage which currently drains to a pipe extending over the bluff edge. Some grading is proposed to re-contour the bluff to direct on-site drainage to a catch basin and pump which will discharge to the public street. The proposed project therefore corrects an improper drainage system and will minimize undue risk from erosional forces. No flood or fire hazard exists on the site.

D. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE AND SUPPLY. SHORELINE PROTECTIVE WORKS WILL BE DESIGNED TO BE THE MINIMUM NECESSARY TO ADEQUATELY PROTECT EXISTING PRINCIPAL STRUCTURES, TO REDUCE BEACH CONSUMPTION AND TO MINIMIZE SHORELINE ENCROACHMENT.

The proposed development is located along a coastal bluff and is being designed to reduce any coastal bluff erosion resulting from on-site drainage. The proposed development therefore will, to the extent feasible, not contribute to beach erosion and will not adversely affect recreational, visitor-serving or coastal scenic resources.

E. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, OR ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.

The proposed development is designed to remove existing improvements which are a potential risk to the public and construct a drainage system to carry on-site drainage to the street as required by the regulations of the of the Sensitive Coastal Resource Overlay Zone. The proposed development also conforms with the policies and regulations for coastal bluff development as contained in the La Jolla Local Coastal Land Use Plan, the Coastal Development Permit Ordinance and Sensitive Coastal Resource Overlay Zone. BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development and Sensitive Coastal Resource Overlay Permit No. 95-0310 is hereby GRANTED to JAY NAIDU, Owner/Permittee, in the form and with the terms and conditions as set forth in Coastal Development and Sensitive Coastal Resource Overlay Permit No. 95-0310, a copy of which is attached hereto and made a part hereof.

Ron Buckley

Senior Planner

unand Linda Lugano

Secretary to the Planning Commission

PERMITS[LCW]1126

| | L-PURPOSE CERTIFICATE |
|-------------------------------|--|
| | Attachment 7 Type/Number of Document <u>CDP/SCR 95-0310</u> |
| | Date of Approval October 12, 1995 |
| FATE OF CALIFORNIA | Ron Buckley, Senior Planner |
| OUNTY OF SAN DIEGO | Ron Buckley, Senior Pranner |
| n / icum in 17 1045before me. | BARBARA J. HUBBARD (Notary Public). personally |

nline ppeared RON BUCKLEY, Senior Planner of the Development Services Department of he City of San Diego, personally known to me to be the person(s) whose name(s) s/are subscribed to the within instrument and acknowledged to me that e/she/they executed the same in his/her/their capacity(ies), and that by is/her/their signature(s) on the instrument the person(s), or the entity upon ehalf of which the person(s) acted, executed the instrument.

BARBARA J. HUBBARD IITNESS my hand and official seal. COMM. # 1056585 lotory Public --- California ignature y (Seal) SAN DIEGO COUNTY My Comm. Expires MAY 16, 1999 Barbara J. Hubbard

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

| Signed Aprily Typed Name JAYACHARDREN J. NAIDU | signed Kamala J. NAIDU |
|--|--|
| STATE OF <u>Correcticut</u> 55 Redo | line |
| COUNTY OF MAINPAUL | |
| On $\frac{12/1/95}{12}$ before me, $\frac{Richard}{12}$ before me, $\frac{Richard}{12}$ before me, $\frac{Richard}{12}$ personally appeared $\frac{\pi A unchard res}{12}$ $\frac{\pi}{12}$, $\frac{\pi}{12}$ personally known to me (or proved to me to be the person(s) whose name(s) is/ar and acknowledged to me that he/she/they authorized capacity(ies), and that by h instrument the person(s), or the entity acted, executed the instrument. | e subscribed to the within instrument executed the same in his/her/their lis/her/their signature(s) on the |

WITNESS my hand/and official seal. Signature

(Seal)

ORIGINA

ATTACHMENT 8

Pictures of Bluff Area 417 Sea Ridge Drive

Beach View to Deck, Bluff Failure (Dated September 11, 2015)



ATTACHMENT 8

Pictures of Bluff Area 417 Sea Ridge Drive

Repaired Bluff Slide Area (without Permit – Date: April 25, 2016)



| Attac | hme | nt 9 |
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City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000

Ownership Disclosure Statement

FORM DS-318

October 2017

| Approval Type: Check appropriate box for type of approval(s) requested: Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit Neighborhood Development Permit Site Development Permit Planned Development Permit Coastal Use Permit Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment · Other | | | | | | |
|--|-----------------|------------------------------------|---------------|---------------------|------------------|--|
| Project Title: Sea Ridge CDP | | | _ Project No | . For City Use Only | : | |
| Project Address: 417 Sea Ridge, La Joi | ila, CA 92037 | | | | | |
| | | | | | | |
| Specify Form of Ownership/Lega | l Status (plea | ase check): | | | | |
| Corporation 🛽 Limited Liability | -or- 🛛 Gener | al – What State?Corporate | dentification | n No | | |
| 🛛 Partnership 🗅 Individual | | | | | | |
| By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. | | | | | | |
| Property Owner | | | | | | |
| Name of Individual: Inspire Inc, A New | ada Corporation | DBA in California as Inspired inc. | Owner | Tenant/Lessee | Successor Agency | |
| Street Address: 1730 Valdese Drive | | | | | | |
| City: La Jolla | | | | State: | Zip: | |
| Phone No.: 713294-7509 | | Fax No.: | Email: beja | n@idm.sdcoxmail.com | | |
| Signature 2 2 | | Date: 6/10 | 6/16/2023 | | | |
| Additional pages Attached: | C Yes | | | | | |
| Applicant | | | | | | |
| Name of Individual: Rami Amir | | | B Owner | Tenant/Lessee | Successor Agency | |
| Street Address: 1730 Valdese Drive | | | | | | |
| City: La Jolla | | | | State: CA | Zin: 92037 | |
| | 1 | Fax No.: | Empil: beid | n@idm.sdcoxmail.com | -ip | |
| -investigend by: | | Fax NU | 6/1 | .6/2023 | | |
| Signature 12 0147 | 24 | R# A1. | Date: | | | |
| Additional pages Attached: | Yes | 23 No | | | | |
| Other Financially Interested Pers | sons | | | | | |
| Name of Individual: Rami Amir | | | 🛾 🖪 Owner | Tenant/Lessee | Successor Agency | |
| Street Address: 1730 Valdese Drive | | | | | | |
| City: La Jolla | | | | State: _CA | Zip: _92103 | |
| Phone No.: 713 2497509 | | Fax No.: | Email: beja | n@idm.sdcoxmail.com | | |
| Signature: 12 m | | | | /2023 | | |
| Additional pages Attached: | Q Yes | 28 No | | | | |
| Additional pages Attached. | | | | | | |

Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u>. Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (10-17)







Attachment 10

