



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: September 28, 2022

REPORT NO. HO-22-048

HEARING DATE: October 5, 2022

SUBJECT: Inn at Sunset Cliffs- Process Three

PROJECT NUMBER: [0231328](#)

OWNER/APPLICANT: Sen Jou, Inn at Sunset Cliffs, LLC

SUMMARY

Issue(s): Should the Hearing Officer approve the demolition and removal of an existing seawall, related structures, a concrete deck and firepits, and install a new seawall located at 1370 Sunset Cliffs Boulevard within the Ocean Beach Community Planning Area?

Staff Recommendation:

1. Adopt Mitigated Negative Declaration No. 231328/SCH. No. 2014081073 and the Mitigation, Monitoring, and Reporting Program; and
2. Approve Site Development Permit No. [1612524](#).

Community Planning Group Recommendation: On July 7, 2021, the Ocean Beach Community Planning Group voted 9-4-0 to recommend denial of the project, requesting alternatives that don't require extension of the bluff edge and that do not obstruct the view cone.

Environmental Review: A Mitigated Negative Declaration No. 231328/SCH No. 2014081073 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines addressing potential impacts to Biological Resources. A Mitigation, Monitoring, and Reporting Program has been prepared and will be implemented, which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

BACKGROUND/ DISCUSSION

The 0.54-acre project site is located at 1370 Sunset Cliffs Boulevard in the RM-5-12 (Residential-Multiple Unit) Zone and within the Coastal Overlay Zone (Appealable) Overlay zone, within the Ocean

Beach Community Plan, which designates the site as Medium Density Residential (up to 25 dwelling units per acre).

The site is west/southwest of the intersection of Sunset Cliffs Boulevard and Point Loma Avenue. Surrounding uses include commercial, visitor accommodations, religious, and residential uses. The hotel is adjacent to the Pacific Ocean on the western edge of the site.

The site is developed with the Inn at Sunset Cliffs, a two-story, 24-room hotel that includes parking, a pool and patio and upper and lower deck areas. The lower deck area is supported by an existing seawall that was constructed in 1953. The area behind the wall was filled with earthen material and has been used as a deck and gathering area for guests of the hotel.

Over the years, the hotel made a number of modifications to the lower deck area, including the unpermitted addition of impermeable surface area. On June 29, 2010, the City issued a Notice of Violation (NOV) to the Inn at Sunset Cliffs (Attachment 9). The violation specifically outlined that a Site Development Permit (SDP) and a Coastal Development Permit shall be sought to remedy the unpermitted impermeable surfacing of the lower concrete deck, the fence on top of the sea wall, and stairs leading to the lower deck. Additionally, the NOV discussed operational and parking concerns. Since the issuance of the NOV, all violations have been corrected except for the unpermitted surfacing of the lower deck which is addressed with this SDP permitting the demolition and removal of the deck. The deck will not be reconstructed.

On December 12, 2015, two areas of the lower concrete deck collapsed due to sink holes/sea caves that were caused by large waves. On December 13, 2015, the applicant submitted an application to the City for an Emergency Coastal Development Permit/Site Development Permit to fill the sink holes/sea caves and repair and resurface the affected portion of the lower deck with concrete. The scope of work included remedial repairs to include sealing cave entries under the deck with high strength quick set concrete, filling the sink holes with a mix of concrete, rock, and sand, and repairing the deck surface in kind with concrete.

On December 18, 2015, the City issued an Agreement for Emergency Coastal Development Permit/Site Development Permit (Agreement) and a Notice of Right to Appeal Environmental Determination (NORA) for the requested emergency work, under Project No. 462790. These documents were revised and reissued on December 22, 2015, to include "Site Development Permit" in the title (Attachment 10). On December 18, 2015, the City received an appeal of the environmental determination by Coastal Environmental Rights Foundation and on December 31, 2015, an appeal was received from Craig A. Sherman contending the CEQA Exemption to the Coastal Emergency contained factual errors, conflicted with other matters, and the findings could not be supported (Attachments 11 and 12).

In January 2016, the City issued a Stop Work Order for construction under the Emergency Coastal Development Permit/Site Development Permit as City staff determined that the existing construction was not in accordance with the applicant's approved Agreement and submitted plans (Attachment 13). It appeared the entire deck was being replaced rather than repairing two sink holes. The project applicant explained to City staff that in the process of repairing the two sink holes, it was discovered that almost the entire deck was void of backfill to support the deck and seawall. Because of this, the entire remaining deck needed to be removed and replaced with a six-

inch thick concrete mix over coated rebar and the area under the deck needed to be filled with a mix of concrete, rock, and sand.

City Staff also observed that an additional 203-square-foot terrace was constructed adjacent to the deck, a retaining wall was under construction on the east side of the deck, barbecue pits were added to the deck, a new safety rail was constructed adjacent to the seawall, and a new ramp with steps and safety rails were constructed leading to the deck from the top terrace. This observation prompted further review of the emergency coastal work to determine whether or not the scope of work was required to stabilize the coastal emergency.

The Development Services Department's Geology Section reviewed documents provided by the applicant. The project's geotechnical consultant justified the action taken as the least environmentally damaging alternative and the minimum necessary to stabilize the coastal emergency, and the emergency construction plan was revised accordingly, delineating the area of work that the project's geotechnical consultant recommended and considered the minimum necessary to stabilize the emergency. However, it was also determined by City Staff that the additional 203-square-foot terrace, the retaining wall, and barbecue pits were not necessary to stabilize the coastal emergency, did not provide future erosion control measures to the existing sea wall and were not previously conforming structures. Therefore, the City Staff conditioned the permit to require removal of these three features.

On February 3, 2016, an amendment to the Agreement for an Emergency Coastal Development Permit/Site Development Permit dated December 22, 2015 was issued to address the change in scope to stabilize the emergency. It was noted that new safety rail constructed adjacent to the seawall and the ramp with steps and safety rails leading to the deck from the top terrace could be reviewed and considered as an added feature as part of the non-emergency permit application to determine if these uses would be permissible for the proposed development.

On January 22, 2019 after the existing seawall and concrete deck partially collapsed due to large waves and high tides, another Emergency Site Development Permit (Project No. 627540) was issued to allow the placement of several 60- to 80-pound sandbags in the scour channel underneath the existing seawall, removal of rubble and debris (including 18 cubic yards of sand and concrete mixture from the void behind the seawall) removal of sections of the lower deck and infilling voids below the unpermitted deck with decomposed granite and clean sand.

PROPOSED PROJECT

Subsequent to the above emergency permits, the California Coastal Commission (CCC) and City Staff agreed that the Coastal Development Permit work was within the exclusive jurisdiction of the CCC. Therefore, the only permit being considered by the City is a Site Development Permit (SDP) for work on environmentally sensitive lands (ESL), in the form of coastal bluffs per SDMC Section 126.0502(a)(2).

Revised Scope of Work

During the review process of the Site Development Permit, the applicant has modified the project from the original 2011 application scope. The project subject to this SDP now proposes the following:

- Demolition and removal of the remnant existing seawall.
- Demolition and removal of approximately 2,120 square feet of a lower concrete deck.
- Demolition and removal of two existing keystone block firepits.
- Removal of quarry rock revetment at the bottom of the seawall.
- Construction of a new 170-foot-long secant pile seawall, including a solid surface at the top to prevent erosion from the landward side of the wall.

This permit is the permanent replacement for the Emergency SDP/CDP Projects No. 462790 and 469337. The original seawall was constructed in 1953 and has had multiple failures due to frequent high wave energy and king tides, which led to the collapse of the concrete deck both in December 2015 and January 2019, as noted above. All proposed work will occur on private property and within the footprint of the existing shoreline protection devices (seawall and lower deck).

There are no existing easements, and none are proposed.

Prior to the secant pile seawall construction, the contractor will first clear a temporary access path from the end of Point Loma Avenue to the lower deck area to access and drill the overlapping drilled piers to create the secant pile wall. The steel reinforcing for every other drilled pier will extend above the ground surface up to the final top-of-wall elevation of 27.7 feet. The overlapping drilled piers will be filled with concrete up to the construction subgrade (which varies in elevation from about 24.2 feet at the north end of the wall, down to about 20 feet at the lower deck and then up to 27.7 feet at the extreme southeasterly edge of the wall above the construction subgrade). Horizontal reinforcement will then be added to the exposed vertical steel, wood forms placed on both sides of the exposed portion of the secant pile wall, and concrete placed to create the upper exposed portion of the wall. Tiebacks will be drilled, installed, grouted, and then locked off. The wall will be approximately 170 feet long, and the wall face will be treated to complement the surrounding bluffs.

After the upper row of tiebacks is locked off, the lower deck and existing seawall will be incrementally removed. The contractor will use a small excavator with a breaker bar on the lower deck, along with a crane (parked at the Point Loma Avenue street-end) with a grapple to pick up broken pieces and set them directly into dumpsters parked on Point Loma Avenue. Any large rocks may be drilled and broken with expanding grout to reduce the size to enable the grapple to pick up manageable sizes of rock and debris. All of the recently placed stone and rip rap will be picked up with a grapple and hauled off-site.

The seaward demolition work of the lower deck and existing seawall will temporarily stop at an interim pad elevation of approximately eight feet above Mean Sea Level (MSL) to enable the installation of the lower row of tiebacks and hydraugers. The demolition work will then continue, removing all construction materials and debris.

After the installation of the lower tiebacks and hydraugers, the area immediately seaward of the secant pile wall will be excavated down to the variable elevation bedrock seafloor while still leaving the more seaward lower portion of the existing wall to provide temporary, construction-period

storm protection to enable the architectural treatment along the seaward face of the wall, after which the remaining seaward portion of the original seawall will be removed down to the underlying bedrock. After removing all of the debris, additional hand-cleaning will be conducted, removing all remaining debris from the bedrock sea floor, and leaving a natural surface for the potential creation of tide pools.

The piles for the new seawall will be drilled into the toe of the slope and will generally follow the outline of the disturbed bluff. The seawall will abut the bottom of the bluff edge, while the upper portion of the seawall will require a backfill to prevent erosion and hydrostatic pressure caused by overlapping wave action. The exposed face of the seawall will then be architecturally treated and painted to complement the surrounding bluffs.

The Ocean Beach Community Plan (OBCP) allows for coastal protective devices when protecting existing development. There are two previously permitted seawalls to the north of the project at the end of Bermuda Avenue (Avery Seawall and Davenport Seawall) and another seawall that has been approved and is under construction immediately north of the project (Houlton Seawall) on the north side of Point Loma Boulevard. In addition, there is an older seawall on the property to the south, that was not subject to those same permitting requirements. The Inn's proposed seawall will have an architectural treatment consistent with these previously approved seawalls and will not starkly contrast with the adjacent seawalls.

TerraCosta Consulting Group, Inc., indicates "even with a relatively high factor of safety against slope instability, in the absence of the seawall, the bluff-top improvements (including the Inn's two buildings) are at risk of damage from coastal erosion, with the southerly building at imminent risk (absent the seawall), with a reasonable probability of storm-induced damage occurring within the next two years." In December 2020, TerraCosta indicated that "The proposed shoreline stabilization projects, [sic] is necessary to prevent continued erosion of the lower bluff threatening the bluff-top structures and to prevent flanking of the adjacent walls to the north and south." The proposed seawall project is therefore designed to prevent impacts from coastal erosion.

Recommendation 7.2.2 from the OBCP encourages ensuring the preservation of coastal bluffs in their natural state, however the bluff at this location is already highly disturbed. The project will improve the natural character by protecting the bluff from marine erosion and coloring and texturing the wall to improve its natural appearance and compatibility with other walls and bluffs in the area. Recommendation 7.3.4 from the OBCP allows for the placement of shoreline protective devices, such as concrete seawalls and revetments, only when required to serve coastal-dependent uses or when there is no other feasible means to protect existing principal structures, such as homes, in danger from erosion. The TerraCosta geotechnical report indicates that the proposed shoreline stabilization project is necessary to prevent the continued erosion of the lower bluff threatening the bluff-top structures and to prevent flanking of the adjacent walls to the north and south. Recommendation 7.3.8 from the OBCP regarding the preservation and protection of coastal bluffs, beaches, and shoreline areas, encourages "the retreat of existing development from the coastal bluff edge.." and "requir[ing] the removal or relocation of accessory structures located within the bluff edge setback[s]". The project as proposed is removing structures, including the remnant seawall and lower deck area, and building a new wall landward, consistent with that recommendation.

Additionally, the OBCP recommendation also states that all coastal protective devices should be

designed to blend with the surrounding shoreline and provide lateral public access. The project will apply architectural treatments to the wall face to complement the surrounding bluffs and will expand lateral beach area by removing the existing seawall and lower deck and moving the shore protection landward. The project is therefore generally consistent with this community plan recommendation, but there will not be additional public access beyond what exists today. The OBCP identifies a “view cone” to the Pacific Ocean at the terminus of Point Loma Boulevard, just north of the project site. The proposed seawall will be located downslope from the view cone and will not impede any viewing opportunities of the Pacific Ocean. Therefore, the project will not have an adverse effect on scenic vistas or the defined view cone.

The project proposes no deviations or variances from the applicable regulations and is consistent with the relevant policy documents’ goals and recommendations. The proposed improvements will not obstruct coastal or scenic views from any identified public vantage point, and no public view to and along the ocean will be impacted. The proposed seawall will not adversely affect any visitor-serving or recreational facility. No coastal scenic resources, recreational, or visitor-serving facilities were identified on the project site. Therefore, no adverse impacts on such resources would occur due to project implementation.

The project is consistent with the Environmentally Sensitive Lands (ESL) regulations, the Biology Guidelines (2018), and with the City’s MSCP Subarea Plan (1997). A biological review of the project site was first conducted in October 2011 (Project Design Consultants 2011. City staff has verified the conditions of the project site over the life of the project, through site visits and photo documentation, and no change has been identified. The upper portion of the project is composed largely of hardscape and ornamental landscaping. The slope between the top-tier patio and the collapsed deck is covered by ice plant. No native species were observed in the sloped area. The project site is already developed, and no changes to the existing condition relative to biological resources have occurred since the time of the initial review.). An updated Intertidal Biological Assessment was prepared by Marine Taxonomic Services (MTS) (September 2021). The report determined that the proposed project would have no significant impact on surveyed rocky reef habitats adjacent to the toe of the riprap revetment, the riprap revetment itself, or the existing vertical seawall. Although the rocky reef habitats surveyed were found to support a diverse assemblage of marine species, no rocky reefs would occur within areas where construction activity would occur. In addition, while no sea turtles or marine mammals were observed by MTS biologists during the intertidal biological survey, sea lions and harbor seals are very common throughout San Diego, and no barriers currently exist that would prevent them from utilizing the Project area. Significant impacts could occur to any sea lion, harbor seal, or sea turtle if those species were to occupy the Project area during construction. Any Project actions that result in modification of behavior would be considered Level B harassment of these sensitive species. Injury could result if riprap or other materials were dislodged and allowed to fall toward any of these sensitive species; this would represent Level A harassment (injury or death). These impacts would be considered significant. The appropriate mitigation measure (Mitigation Measure BIO-1) has been incorporated into the project’s Mitigation, Monitoring, and Reporting Program (MMRP), including having a biological observer on site during construction of the project. The biological observer shall have the authority to halt or modify construction activities in the event that any sensitive species is observed and the monitor feels there is a potential for construction activity to have the potential to harm any such species.

Additionally, removal of the riprap may result in injury or death of any abalone species that occurs on the riprap or any adjacent surface where riprap could fall during removal. Although abalone were not observed during this survey, the Project area does contain suitable abalone habitat and abalone could colonize the Project area prior to construction. Any impact to abalone species would be considered significant. To avoid an impact, Mitigation Measure (BIO-2) is proposed which requires that an abalone survey be performed within 5 meters of any proposed in-water work area (riprap removal area). The abalone survey shall be conducted within 7 days of the start of in-water work. The survey shall be considered valid for 30 days and therefore repeated if in-water work takes more than 30 days or is delayed. If abalone are identified, the Project will be delayed until NOAA Fisheries can be consulted and a plan to protect in place or abalone relocation can be performed.

The City has reviewed the project and all comments provided by other discipline reviewers. All issues have been adequately addressed on plans and in response to comments. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration. Staff recommends that the Hearing Officer approve Site Development Permit No. 1612524.

ALTERNATIVES

1. Adopt Mitigated Negative Declaration No. 231328 and the associated Mitigation, Monitoring and Reporting Program and approve Site Development Permit No. 1612524, with modifications
2. Deny Mitigated Negative Declaration No. 231328 and the associated Mitigation, Monitoring and Reporting Program and deny Site Development Permit No. 1612524. if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

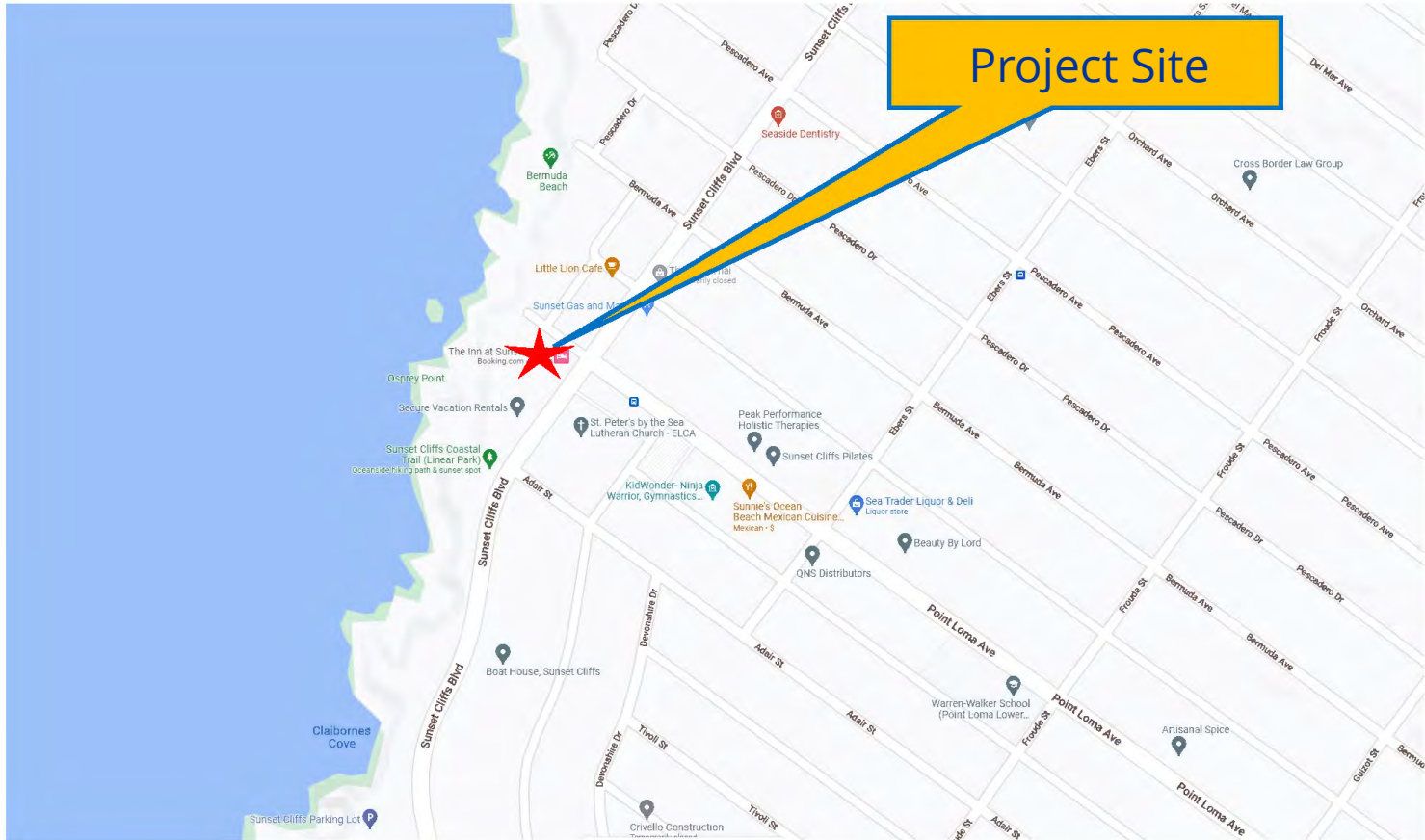


Martha Blake, Development Project Manager

Attachments:

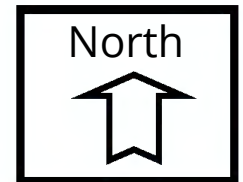
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP (MND)
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. June 2010 Notice of Violation
10. Agreement for Emergency Permit, Project No. 462790 – December 2015
11. Coastal Environmental Rights Foundation Appeal – December 2015

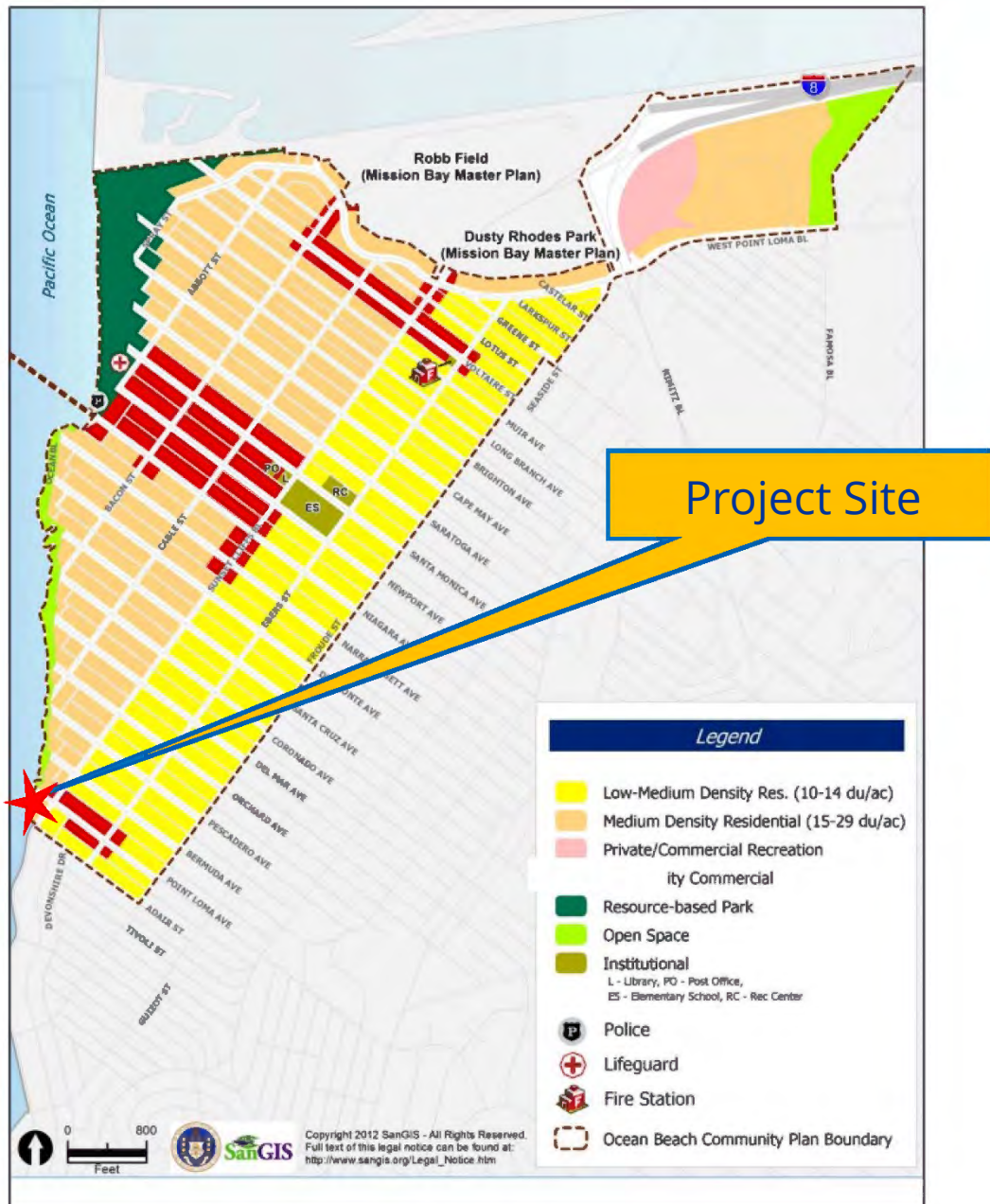
12. Craig A. Sherman Appeal – December 2015
13. January 2016 Stop Work Order
14. Project Plans



Project Location Map

Inn at Sunset Cliffs
PROJECT NO. 231328

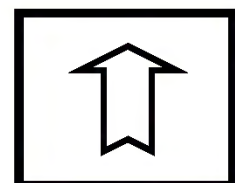




Land Use Map



Inn at Sunset Cliffs
PROJECT NO. 231328

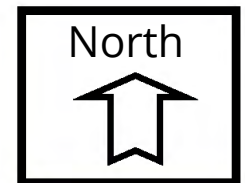


North



Aerial Photo

Inn at Sunset Cliffs
PROJECT NO. 231328



HEARING OFFICER RESOLUTION NO. [REDACTED]
SITE DEVELOPMENT PERMIT NO. 1612524
INN AT SUNSET CLIFFS – PROJECT NO. 0231328 [MMRP]

WHEREAS, SEN JOU, INN AT SUNSET CLIFFS, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to remove the following improvements: remnants of an existing seawall, approximately 2,120 square feet of a lower concrete deck, and two (2) existing keystone block firepits and construct a new 170-foot-long secant pile seawall/coastal protective device (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1612524), on portions of a 0.542 acre; and

WHEREAS, the project site is located at 1370 Sunset Cliffs Boulevard in the RM-5-12 (Residential-Multiple Unit) Zone, Coastal Overlay Zone (Appealable), Designated Historic District: Ocean Beach Cottage Emerging District, Coastal Overlay Zone First Public Roadway, Coastal Height Limit Overlay Zone, Transit Priority Area, Parking Impact Overlay Zone (Coastal Impact/Beach Impact), Residential Tandem Parking Overlay Zone, Sensitive Coastal Overlay, ALUCP Airport Influence Area (AIA): San Diego International Airport - Review Area 2, Designated Medium Density Residential within the Ocean Beach Community Plan.

WHEREAS, the project site is legally described as Lot 1, Block 27 in the City of San Diego, County of San Diego, State of California, according to Map thereof No 1889; APN 448-341-01-00; and

WHEREAS, on October 5, 2022, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1612524 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 Site Development Permit No. 1612524:

A. SITE DEVELOPMENT PERMIT [SDMC §126.0505]**1. The proposed development will not adversely affect the applicable land use plan.**

The Project will construct a new secant pile seawall as well as the following construction elements:

- Demolition of the remnant existing seawall.
- Demolition and removal of approximately 2,120 square feet of a lower concrete deck.
- Demolition and removal of two existing keystone block firepits.
- Removal of quarry rock revetment at the bottom of the seawall.
- Construction of a new 170-foot-long secant pile seawall including a solid surface at the top to prevent erosion from the landward side of the wall.

The subject property is 0.542-acre site. There are no existing easements, and none are proposed. The project is located at 1370 Sunset Cliffs Boulevard in the RM-5-12 (Residential-Multiple Unit) Zone, Coastal Overlay Zone (Appealable), Designated Historic District: Ocean Beach Cottage Emerging District, Coastal Overlay Zone First Public Roadway, Coastal Height Limit Overlay Zone, Transit Priority Area, Parking Impact Overlay Zone (Coastal Impact/Beach Impact), Residential Tandem Parking Overlay Zone, Sensitive Coastal Overlay, ALUCP Airport Influence Area (AIA): San Diego International Airport - Review Area 2, Designated Medium Density Residential within the Ocean Beach Community Plan (OBCP).

Recommendation 7.2.2 from the OBCP encourages ensuring the preservation of coastal bluffs in their natural state, however the bluff at this location is already highly disturbed. The project will improve the natural character by protecting the bluff from marine erosion and coloring and texturing the wall to improve its natural appearance and compatibility with other walls and bluffs in the area.

Recommendation 7.3.4 from the OBCP allows for the placement of shoreline protective devices, such as concrete seawalls and revetments, only when required to serve coastal-dependent uses or when there is no other feasible means to protect existing principal structures, such as homes, in danger from erosion. The TerraCosta geotechnical report indicates that the proposed shoreline stabilization project is necessary to prevent the continued erosion of the lower bluff threatening the bluff-top structures and to prevent flanking of the adjacent walls to the north and south. This recommendation also states that all coastal protective devices should be designed to blend with the surrounding shoreline and provide lateral public access. The project will apply architectural treatments to the wall face to complement the surrounding bluffs and will expand lateral beach access by removing the existing seawall and lower deck and moving the shore protection landward. The project is therefore generally consistent with this community plan recommendation, but there will not be public access along the top of the new wall.

Recommendation 7.3.8 from the OBCP regarding the preservation and protection of coastal bluffs, beaches, and shoreline areas, encourages "the retreat of existing development from the coastal bluff edge.." and "requir[ing] the removal or relocation of accessory structures located within the bluff edge setback[s]". The project as proposed is removing structures,

including the remnant seawall and lower deck area, and building a new wall landward, consistent with that recommendation.

Staff has reviewed and accepted the TerraCosta Consulting Group, Inc. geotechnical report that indicates the proposed shoreline stabilization project is necessary to prevent the continued erosion of the lower bluff threatening the bluff-top structures and to prevent flanking of the adjacent seawalls to the north and south.

The project would apply architectural treatments to the wall face to complement the surrounding bluffs but is not proposing additional public beach. However as no existing public beach access will be impacted with the construction of the new wall, there are no impact to existing beach access.

The OBCP identifies a "view cone" to the Pacific Ocean at the terminus of Point Loma Boulevard, immediately north of the project site. The view cones are defined as: "90° angle radiating lines from public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setback of each corner property closest to the ocean or shoreline". The proposed seawall would be located downslope from the existing view cone and would not impede any viewing opportunities of the Pacific Ocean. In addition, no new development, other than the seawall with required safety fence, is proposed. Therefore, the project would not have an adverse effect on the identified view cone.

The project proposes no deviations or variances from the applicable regulations and is consistent with the relevant policy documents' goals and recommendations. The proposed improvements will not obstruct coastal or scenic views from any identified public vantage point, and no public view to and along the ocean will be impacted. The proposed seawall will not adversely affect any visitor-serving or recreational facility. Therefore, no adverse impacts on such resources would occur due to project implementation.

The proposed development plans will not conflict with the Ocean Beach Local Coastal Program. The review of the proposed project was determined to be consistent with the plan's land use designation and the development regulations. Therefore, the proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources and will not adversely affect the applicable Land Use Plan.

In summary, the proposed development will not adversely affect the applicable land-use plan.

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

The proposed development has been designed to comply with all applicable development regulations.

The site is not located in an Earthquake Fault Zone defined by the State Geologist and is not within a fault zone identified on the City of San Diego Geologic Hazards and Fault Maps. The project's geotechnical consultant, TerraCosta Consulting Group, Inc., in their report of

December 2020, indicated they reviewed available information and opined that the potential for ground rupture to be shallow. The proposed project will be required to implement the seismic design provisions of the California Building Code, and potential impacts due to earthquake ground shaking will be reduced to an acceptable level of risk.

A stability analysis of the natural geologic slopes (without the protective seawall and backfill) was completed for the site by TerraCosta Consulting Group, Inc. The analysis from the geotechnical report indicated that the slope has factors of safety ranging from 1.4 against a shallow failure within the terrace deposits to a high of 4.0 against a deep-seated failure for gross stability. The construction of the seawall would not negatively impact the slope stability and, as noted in the report, would improve slope stability conditions.

Finally, construction activities for the project would involve using potentially hazardous materials, including vehicle fuels, oils, transmission fluids, paint, adhesives, surface coatings and other finishing materials, and cleaning solvents. However, these hazardous materials would be temporary, and all potentially hazardous materials would be stored, used, and disposed of in accordance with manufacturers' specifications and applicable federal, state, and local health and safety regulations.

The permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing compliance with the City's codes, policies, regulations, and other regional, state, and federal regulations to prevent detrimental impacts on the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require the review and approval of all construction plans by staff prior to building permit issuance to determine whether the project's development will comply with all regulations. The construction will be inspected by certified building and engineering inspectors to assure development is in accordance with the approved plans and all regulations. Therefore, the project will not be detrimental to public health, safety, and welfare.

All aspects of the development comply with applicable land use regulations. The proposed development's compliance with the conditions of the permit, which include compliance with all applicable building codes, regulations, and standards, will not be detrimental to the 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.

The project would be consistent with the City of San Diego General Plan (2008) and Ocean Beach Community Plan/Local Coastal Program (LCP) (adopted July 2014) land use designations and City Municipal Code. The project site is zoned RM-5-12, permitting visitor accommodations or medium-density multiple dwelling units at a maximum density of 1 dwelling unit for each 1,000 square feet of lot area. The Inn at Sunset Cliffs is allowed by right in an RM-5-12 zone, along with accessory uses permitted in conjunction with hotels as defined by the Land Development Code (LDC).

The project proposed is the new seawall and associated construction, including removal of existing accessory elements of the hotel. The new seawall serves as an erosion control device for the bluff on which the hotel is located. As referenced in SDMC Section 143.0101, the Environmentally Sensitive Lands Regulations and supplemental guidelines, including the Coastal Bluffs and Beaches Guidelines, are intended to serve as the regulations and standards to assure that development in environmental sensitive area, such as coastal bluffs, occurs in a manner that protects the overall quality of the resources, natural land, and encourages a sensitive form of development in ESL. Staff has reviewed the project and provided conditions to ensure that the development is consistent with the applicable regulations governing development on the coastal bluff. All of the development will take place in previously disturbed areas, and the wall will be moved landward, opening up additional area at the base of the bluff where there are currently remnants of the existing wall, sandbags, and quarry rock. The seawall is necessary to protect the primary structure and is not an expansion of use or development area, which would be inconsistent with the Coastal Bluffs and Beaches Guidelines.

Construction noise is regulated by SDMC Section 59.5.0404 of the City's Noise Abatement and Control Ordinance. Noise generated during the project's construction would be associated with workers driving to the project site and using equipment, including sledgehammers, a jackhammer, shovels, and a dump truck. Construction activities would be required to comply with the construction hours specified in the City's Municipal Code (Section 59.5.0404, Construction Noise),

The proposed improvements will not obstruct coastal or scenic views from any identified public vantage point, and no public view to and along the ocean will be impacted. With the adoption of the permit conditions, the proposed project will conform to all relevant regulations. The project's development has been designed to comply with the land use regulations of the City of San Diego and the adopted LCP and Ocean Beach Community Plan. No deviations are requested or required. Therefore, the proposed development complies with the applicable regulations of the San Diego Municipal Code/Land Development Code.

B. Supplemental Site Development Permits Findings - Environmentally Sensitive Lands – SDMC Section 126.0505(b)

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

The Project proposes replacing an existing seawall with a new secant pile seawall (also known as a coastal protective or erosion control device) on a previously disturbed coastal bluff. The Project will not result in any development further seaward than the existing development. The Project also includes the removal of the existing lower concrete deck, two keystone block firepits, and the quarry rock revetment at the bottom of the existing seawall.

The existing bluff protective measures have experienced multiple failures in December 2015 and January 2019 due to high wave energy and king tides. Per the TerraCosta geotechnical report, without the project, the existing measures will be breached, resulting

in catastrophic bluff erosion that would jeopardize the existing principal structures.

The Project is the least environmentally damaging practicable alternative. The “No Project” alternative would result in the failure of the existing seawall and endanger the existing hotel and adjacent public infrastructure. The construction of a replacement seawall in the same location as the existing seawall would impact a greater beach area and marine environment than the proposed new secant pile seawall.

The Project will provide a color-treated, sculpted facing that blends to the greatest extent possible with the natural bluff appearance. The project will also remove various existing erosion control facilities that do not mimic or complement the natural bluff appearance. Therefore, the site is physically suitable for the design, and the siting of the proposed development will result in minimal disturbance to environmentally sensitive lands.

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

There will be minimal alteration of natural landforms, and the proposed seawall will prevent undue risks from geologic and erosional forces and flood hazards. The Project will remove and replace existing erosion control facilities that are failing. The Project proposes a new secant pile wall that will be surfaced with a hand-sculpted, color-treated shotcrete application to blend to the greatest extent possible with the existing coastal bluff. The Project does not propose any grading.

The Project will remove the existing lower concrete deck, two keystone block firepits, and the quarry stone revetment at the bottom of the existing coastal bluff protection device. The site is not within a floodway or flood plain and is not within or adjacent to an area of undeveloped natural terrain containing a wildfire hazard. Therefore, the Project will minimize the alteration of natural landforms, and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

The Project will construct a new secant pile seawall to protect the coastal bluff, an environmentally sensitive land (ESL), on the landward side of the existing, failing erosion control facilities that will be removed as part of the Project.

The project must comply with the Land Development Code (LDC), Section 143.0143, which provides regulations for the development of Sensitive Coastal Bluffs, and the Coastal Bluffs and Beaches Guidelines and Section 143.0144, which provide regulations for Sensitive Coastal Beaches.

No native species were observed in the sloped area, and the project site is already developed. In addition, an Intertidal Biological Assessment was prepared by Marine Taxonomic Services (MTS) (September 2021). The report determined that the proposed

project would have no significant impact on surveyed rocky reef habitats adjacent to the toe of the riprap revetment, the riprap revetment itself, or the existing vertical seawall. Although the rocky reef habitats surveyed were found to support a diverse assemblage of marine species, no rocky reefs would occur within areas where construction activity would occur. In addition, while no sea turtles or marine mammals were observed by MTS biologists during the intertidal biological survey, sea lions and harbor seals are very common throughout San Diego, and no barriers currently exist that would prevent them from utilizing the Project area. Significant impacts could occur to any sea lion, harbor seal, or sea turtle if those species were to occupy the Project area during construction. Any Project actions that result in modification of behavior would be considered Level B harassment of these sensitive species. Injury could result if riprap or other materials were dislodged and allowed to fall toward any of these sensitive species; this would represent Level A harassment (injury or death). These impacts would be considered significant. The appropriate mitigation measure (Mitigation Measure BIO-1) has been incorporated into the project's Mitigation, Monitoring, and Reporting Program (MMRP), including having a biological observer on site during construction of the project. The biological observer shall have the authority to halt or modify construction activities in the event that any sensitive species is observed and the monitor feels there is a potential for construction activity to have the potential to harm any such species.

Additionally, removal of the riprap may result in injury or death of any abalone species that occurs on the riprap or any adjacent surface where riprap could fall during removal. Although abalone were not observed during this survey, the Project area does contain suitable abalone habitat and abalone could colonize the Project area prior to construction. Any impact to abalone species would be considered significant. To avoid an impact, Mitigation Measure (BIO-2) is proposed which requires that an abalone survey be performed within 5 meters of any proposed in-water work area (riprap removal area). The abalone survey shall be conducted within 7 days of the start of in-water work. The survey shall be considered valid for 30 days and therefore repeated if in-water work takes more than 30 days or is delayed. If abalone are identified, the Project will be delayed until NOAA Fisheries can be consulted and a plan to protect in place or abalone relocation can be performed. Implementation of the above measures would prevent adverse impacts to any sensitive species that may enter or exist in the area.

To comply with the LDC, all drainage from the improvements on the premises will be directed away from the coastal bluff and either into an existing or improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off. All drainage from unimproved areas will be appropriately collected and discharged to reduce, control, or mitigate coastal bluff erosion.

Additionally, the LDC permits only native or other drought-tolerant plant species in landscaped areas to minimize irrigation requirements and reduce potential slide hazards due to overwatering of the coastal bluffs.

Therefore, the removal of the existing, failing coastal protective measures and the landward or easterly construction of the new erosion control device are designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

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

The project site is not within or adjacent to the Multi-Habitat Planning Area of the City's Multiple Species Conservation Plan. Additionally, the project site does not contain any vernal pools and is not subject to the Vernal Pool Habitat Conservation Plan.

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

The Project proposes to replace existing erosion control facilities with a new secant pile seawall. The existing seawall and erosion control facilities have been in place for as long as 60 years, and the Project is a landward replacement of these facilities, the project would not substantially alter public beaches or shoreline sand supply, and there is no loss of new sand. The shoreline at the site consists entirely of hard deposits. Because the new seawall is subject to direct wave attack, it has been designed to have a generally flat to slightly convex shape to avoid concentrating reflected wave energy and eroding the deposits below the seawall. A Coastal Development Permit would be required for the project that is within the jurisdiction of the California Coastal Commission.

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

The proposed Project will remove existing erosion control facilities and other development. The Project proposes a new seawall, located landward of the existing erosion control facilities, with a hand-sculpted, color-treated shotcrete finish to blend to the greatest extent possible with the existing coastal bluff as conditioned in Site Development Permit No. 1612524 and shown in Exhibit A. The project will uncover natural intertidal areas. The project will have no negative impact on public views or access. The project is conditioned to require biological monitoring to prevent incidental impacts on sensitive species.

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 these findings adopted by the Hearing Officer, Site Development Permit No. 1612524 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Permit No. 1612524, a copy of which is attached hereto and made a part hereof.

Martha Blake
Development Project Manager
Development Services

Adopted on: October 5, 2022

IO#: 0231328

DRAFT

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: 24001513

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1612524
INN AT SUNSET CLIFFS – PROJECT NO. 231328 [MMRP]
HEARING OFFICER

This Site Development Permit No. 1612524 is granted by the Hearing Officer of the City of San Diego to SEN JOU, INN AT SUNSET CLIFFS, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0505.

The 0.542-acre lot is located at 1370 Sunset Cliffs Boulevard in the RM-5-12 (Residential-Multiple Unit) Zone, Coastal Overlay Zone (Appealable), Designated Historic District: Ocean Beach Cottage Emerging District, Coastal Overlay Zone First Public Roadway, Coastal Height Limit Overlay Zone, Transit Priority Area, Parking Impact Overlay Zone (Coastal Impact/Beach Impact), Residential Tandem Parking Overlay Zone, Sensitive Coastal Overlay, ALUCP Airport Influence Area (AIA): San Diego International Airport - Review Area 2, Designated Medium Density Residential within the Ocean Beach Community Plan Area. The project site is legally described as: Lot 1, Block 57 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1889; APN 448-341-01-00.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to demolish and remove the following improvements: remnants of an existing seawall, approximately 2,120 square feet of a lower concrete deck, and two (2) existing keystone block firepits and construct a new 170-foot-long secant pile seawall described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 5, 2022, on file in the Development Services Department.

The project shall include:

- a. Demolition and removal of the remnant existing seawall;
- b. Demolition and removal of approximately 2,120 square feet of a lower concrete deck;
- c. Demolition and removal two existing keystone block firepits;
- d. Removal of quarry stone revetment at the bottom of the existing seawall;

- e. Construction of a new 170-foot-long secant pile seawall (coastal protective device); 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 October 19, 2025.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision-maker.
4. This Permit is a covenant running with the subject property, and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest so long as the development authorized by this permit remains in use on the subject property.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations, or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 231328/SCH No. 2014081073 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 231328/SCH No. 2014081073 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for **Biological Resources**.

CLIMATE ACTION PLAN REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

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

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

17. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

18. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

19. SDMC Section 143.0143(d) states: All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off. All drainage from any unimproved area shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the coastal bluff.

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrain in the Point Loma Avenue Right-of-Way.

GEOLOGY REQUIREMENTS

21. Prior to the issuance of any construction permits (including but not limited to grading or building 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 Department.

PLANNING/DESIGN REQUIREMENTS:

22. The raised deck and fire pits/furniture located on top of the existing seawall shall be removed within 90 days from the date construction permits are issued.

23. The wooden retaining wall located on the bluff face shall be removed within 90 days from the date construction permits are issued.

24. Prior to the issuance of any construction permit, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement, in a form and content acceptable to the Development Services Department Director or designated representative, which shall provide:

- a. That the applicant understands that no new accessory structures and landscape features customary and incidental to hotel uses shall be developed within five feet of the Bluff Top, except as authorized by this Permit;
- b. That the applicant understands that the site may be subject to extraordinary hazards from coastal bluff erosion and the applicant assumes the liability from such hazards; and
- c. That 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 Conditions-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successors and assigns.

26. No development shall be permitted on the coastal bluff or seaward of the coastal bluff except for the work authorized by the Site Development Permit.

27. At grade, accessory structures and landscape features customary and incidental to hotel uses shall not be closer than five feet to the coastal bluff edge, in accordance with the requirements of the San Diego Municipal Code.

28. A barrier shall be constructed at the point which has been identified as five feet from the bluff edge.

29. The color of retaining walls should blend with the natural terrain. Earth tone colors in the form of a shotcrete or some equivalent material shall be used as a surfacing material to the retaining wall.
30. Construction permits shall be obtained for all demolition and development authorized by this Permit.
31. Failure to comply with the conditions of this permit will result in this matter being referred to Code Enforcement.

LANDSCAPE REQUIREMENTS

32. Permanent irrigation is not permitted within five feet of the top of a coastal bluff. Above-grade temporary irrigation is permitted for a maximum period of 24 months to establish plant material.
33. Provide only native or other drought-tolerant plant species in landscape areas in order to minimize irrigation requirements and to reduce potential slide hazards due to overwatering of the coastal bluffs 143.0143(c).

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 October 5, 2022 and [Approved Resolution Number].

ATTACHMENT 5

Site Development Permit No.1612524
Date of Approval: October 5, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Martha Blake
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.

Inn at Sunset Cliffs LLC
Owner/Permittee

By _____
Dr. Sen Jou, MD
Owner

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

RESOLUTION NUMBER R- [REDACTED]

ADOPTED ON [REDACTED]

**A RESOLUTION OF THE Hearing Officer OF THE CITY
OF SAN DIEGO ADOPTING Mitigated Negative Declaration NO.
231328/SCH NO. 2014081073 AND THE MITIGATION,
MONITORING, AND REPORTING PROGRAM**

WHEREAS, on March 3, 2011 Sen Jou submitted an application to the Development Services Department for a Site Development Permit (SDP) for the Inn at Sunset Cliffs (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on October 5, 2022; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative Declaration No. 231328 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego CA 92101.

BE IT FURTHER RESOLVED, Development Services Department is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project

By: _____
Martha Blake, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

DRAFT

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM****SITE DEVELOPMENT PERMIT**

PROJECT NO. 231328

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 231328 shall be made conditions of SITE DEVELOPMENT PERMIT as may be further described below.

A. GENERAL REQUIREMENTS**Plan Check Phase (prior to permit issuance)**

1. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
2. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: <http://www.sandiego.gov/developmentservices/industry/information/standtemp.shtml>.
3. The TITLE INDEX SHEET must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
4. SURETY AND COST RECOVERY. The DSD Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

Post Plan Check (After permit issuance/Prior to start of construction)

5. PRE-CONSTRUCTION MEETING is required ten (10) working days prior to beginning any work on this project. The Permit Holder/Owner is responsible to arrange and perform this meeting by contacting the City Resident Engineer (RE) of the Field Engineering Division and

City staff from Mitigation Monitoring Coordination (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent, and the following consultants:

- Qualified biologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a. The primary point of contact is the RE at the Field Engineering Division – 858-627-3200.
 - b. For clarification of environmental requirements, applicant is also required to call RE and MMC at 858-627-3360.
6. MMRP COMPLIANCE. This Project, Project Tracking System (PTS) Number 658785 and/or Environmental Document Number 658785, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

7. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: **None required.**
8. MONITORING EXHIBITS: All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the limit of work, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery- When deemed necessary by the DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

9. OTHER SUBMITTALS AND INSPECTIONS: The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

Issue Area	Document Submittal	Associated Inspection/ Approvals/Notes
General	Consultant qualification letters	Prior to preconstruction meeting
General	Consultant construction monitoring exhibits	Prior to preconstruction meeting
Biological Resources	Monitoring reports	Following construction monitoring

B. SPECIFIC MMRP ISSUE AREA CONDITIONS REQUIREMENTS

BIO-1 Biological Resource Protection During Construction: Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Environmental Designee shall verify that the following project requirements are shown on the construction plans:

Prior to Construction

- **Biologist Verification** – The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- **Preconstruction Meeting** – The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- **Biological Documents** – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- **Biological Construction Mitigation/Monitoring Exhibit** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/ revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian

nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. Prior to the issuance of grading permits, the BCME shall be approved by MMC and referenced in the construction documents.

- **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- **Education** – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

During Construction

- **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be emailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

Post Construction Measures

- In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state, and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

BIO-2

An abalone survey shall be performed within all intertidal and subtidal areas within 5 meters of the proposed in-water work area (riprap removal area). The abalone survey shall be conducted within 7 days of the start of in-water work. The survey shall be considered valid for 30 days and therefore repeated if in-water work takes more than 30 days or is delayed. If abalone are identified, the Project will be delayed until NOAA Fisheries can be consulted and a plan to protect in place or abalone relocation can be performed.



Ocean Beach Planning Board

Wednesday, July 7, 2021 / Virtual Meeting

MEMBERS PRESENT (Checked if in attendance / # represents district / Note of arrival time in box if late)

X 1E Tracy Dezenzo	X 3E Virginia Wilson	__ 5E Numan Stotz	X 7E Nicole Ueno
X 10 Melanie Boda (late)	X 30 Chris Chalupsky	X 50 George McCalla	__ 70 vacant
X 2E Jane Gawronski	X 4E Anthony Ciulla	X 6E Kevin Hastings	X ALE Andrea Schlageter
X 20 Richard Merriman	X 40 Craig Klein	X 60 Tom Gawronski	__ ALO vacant

CALLED TO ORDER AT 6:10 PM / ADJOURN 9:19 PM

AGENDA MODIFICATIONS & CONSENT AGENDA APPROVAL

<https://youtu.be/DyO1QmvNVK8?t=693>

Consent item #1: 1615 Ocean Front Street PTS# 673099 & 612237

Consent item #2: Replacing Car Parking with Bicycle Parking.

KH/CK 13/0/0 Approved but with consent item #2 pulled from consent to be discussed later

MINUTES MODIFICATIONS & APPROVAL

Approved with change to the address mentioned by Jon Carr in the last NAPG CC/JG 13/0/0

REPRESENTATIVES REPORT

<https://youtu.be/DyO1QmvNVK8?t=861>

City Council District 2 Jennifer Campbell Report – Teddy Martinez

- Budget approved. Puts forth a lot of priorities from Campbell's office
- Met about our parks and rec ideas for Ebers park. Campbell loved them all. Logistics and funding are always a concern
- CIP priorities: Campbell's office will continue to prioritize, pier lifeguard, library and stairs that are in progress

CK: Luigis Pizza. removed parking lot, 8 spaces and an ADA space, erected a 6 foot tall enclosures, move their dumpsters near the sidewalk, obstructed curb cut so no access into the parking lot. Code compliance issue. **Teddy:** has not been made aware of it yet. OBMA aware? They have a policy of not getting involved when businesses break law.

Mayor Todd Gloria - Kohta Zaiser

- FY 2022 budget approved
- State is in budget season
- \$145 million infrastructure plan released includes \$2.1 for Bermuda and Library
- Pier funding. Office has put in request for funding allocations. Governor needs to sign. A couple million in funding is possible.



Ocean Beach Planning Board

Wednesday, July 7, 2021 / Virtual Meeting

NON-AGENDA PUBLIC COMMENT

<https://youtu.be/DyO1QmvNVK8?t=1501>

OB Library, Helene Idels

- Nice to meet everyone at OB Vibe
- Thanks Teddy and Kohta for mentioning the library and moving towards funding
- Expansion within the next 3 years
- Library opening not opening yet hope fall opening
- Friends book sale in fall

RM: where is the above-mentioned money going, infrastructure and expansion? Is the salaries paid by city budget. **Kohta:** money is not going to salaries. Will get more info.

AGENDA

Information Item #1: San Diego City Council Redistricting Commission

<https://youtu.be/DyO1QmvNVK8?t=1784>

The board heard a presentation given about the redistricting process that is underway.

Action Item #1: Inn at Sunset Cliffs PTS# 231328

<https://youtu.be/DyO1QmvNVK8?t=2404>

The board reviewed the application for a Site Development Permit/Coastal Development Permit and presented by applicants Chris Morrow, Walt Crampton, Chandra Slaven, and Lee Andelin presented project. Follow up to the Emergency SDP/CDP Projects No. 462790 and 469337. Project proposes a new tie-back, anchored secant seawall and stairway, and removal of the existing seawall; lower concrete deck; geotubes; and fill and other materials seaward of the proposed wall, associated with an existing 24 room hotel on a 0.56-acre-site, located at 1370 Sunset Cliffs Blvd in the RM-5-1 Zone. PRC recommended board approval of the project pending full consideration of ability to provide public access to the south stair (4-0-0).

View project documentation at <https://drive.google.com/open?id=1mj4p2cdNN3CtpFcgb7mR1QEIZXXNUZ>

PUBLIC COMMENT:

Livia Beaudin: showed powerpoint and discussed multiple deck failures, unlawful fill, E Permit, deck below high tide line. After the fact permit could not be permitted. Coastal Commission did not support the project as proposed and notice of violation for unpermitted terrace and extra items on the 2019 CDP. Thinks this new plan is an improvement but its sill wanting to use public land for private gain. Deck proposal is not consistent with municipal code. There are other plans to protect the environment that they are not using. There has never been an alternative design that didn't include a deck.

Barbara Houlton: shared a powerpoint slide. Is opposed to the new plan. Ignores all previous conditions on the property. She has all the documents of previous issues.

Geoff Page via chat: The engineering comment that the area above the new wall had to be concrete to keep water from saturating the fill behind it makes no sense at all. There are many drainage solutions for that situation. I have to really doubt the presentation after hearing this explanation. My comment is based on a long career in construction.

Craig Sherman via chat: Legal council for the Houltons. Been trying to right the damage that has been done. Findings can't be made to support the environmental area and access and views. Access has been wiped out in the past. Views can't see down the coast because they've put up fences. Recommend denial.

Jeffrey Anson via chat: Agree with Livia. (Much of his testimony was broken up to me)

Gavin Fleming via chat: The Inn will close without the deck repaired.

Susan Booth via chat: Rip rap allows for infill with smaller sediments that helps stabilize the revetment. This type of erosion control wall is used worldwide with great success.

Kevin Hastings shared some comments he received prior to the meeting. View at <https://drive.google.com/open?id=1mj4p2cdNN3CtpFcgb7mR1QEIZXXNUZ>.



Ocean Beach Planning Board

Wednesday, July 7, 2021 / Virtual Meeting

BOARD COMMENT:

KH: Thinks commenters criticism are valid. Adds that he doesn't think the public access (or private) access stair is feasible at this location. I'm sure the deck activities and income are essential to the Inn's viability. I'd like to think there's some way to accommodate the Inn's events without adding to the bluff. Roof deck?

CC: Not talking about encroachment. Public access. Am satisfied with the response from presenter for what the PRC asked for, even if don't agree with it all. But are Still building out the bluff. Would like to see alternative solutions for this. Supportive of the Inn but just not the deck and its impact on bluff.

VW: Arial photo Houlton provided shows the cliff edge where it would be. All the concrete extends beyond that. Applicant is trying to preserve area without permission.

MB: We need to see other options.

CK: Concern about extension of concrete deck. Not consistent with CC or law. Alternative plan preserving the natural contour would be preferable.

AS: Wind screen? Alternative Design Solutions? Why are there no renderings to show? Applicant: Wind screen - any wall needs a 42" guard rail to prevent falls. Applicant: Never had a rendering in the past.

KH: Drawings are trying to accommodate deck usage and that's critical to the Inn's business. Can you give us options? Why is this the only option.

TG: Public access is not a big deal here. Bluff edge should be something for the Coastal Commission.

TG/GM Recommend approving project as submitted.

Yea: AC, TG, GM **Nay:** MB CC TD JG KH CK RM AS NU VW. **Motion failed 3/10/0**

KH/MB Recommend denial of the application as presented. The Inn should provide alternatives that don't require extension of the bluff edge and do not obstruct the view cone.

Yea: MB CC TD KH CK RM AS NU VW **Nay:** AC JG TG GM **Motion passes 9/4/0**

Action Item #2: 4645 Santa Monica Ave. PTS# 666995

<https://youtu.be/DyO1QmvNVK8?t=7335>

The board reviewed the application for a Coastal Development Permit, Site Development Permit, and Tentative Map for a small lot subdivision of existing lot into 2 lots, construction of a new single family residence with attached companion unit, and conversion of existing guest quarter to companion unit at existing single family residence, at 4645 Santa Monica Avenue. The 0.16-acre site is in the RM-1-1 Zone. The PRC voted to forward to the full board without recommendation contingent on clearing significant cycle comments and recommend board carefully review the lot split variance (3-1-0).

View project documentation at https://drive.google.com/file/d/1jxe_v_GJsJbQd-ruBsquLV7q_Osxzw7f/view?usp=sharing

NOTE: Applicant reiterated that this is not a lot split and that it was a lot line adjustment.

BOARD COMMENT:

KH PRC: Lot split discussion. Variance lot split makes it under the required size. Focus on lot line split.

KH: Lot line split is asked because it allows them to build 4 units instead of 3 (2 dwellings plus 1 ADU) benefit to them and not the community. Doesn't think it's compatible with the community plan.

RM: What is the min lot size. 6,000 sq ft.

VW: Are they 2 lots now and just want to move the divisions? **Applicant:** Yes but vertical and horizontal.

AC: Appreciate the extra parking

RM: Front house goes way beyond the lot. **Applicant:** Lot line will just be shifted but not in half. FAR will still be consistent. Lot in front will be bigger in back but the FAR will be consistent.

VW: No access to Santa Monica. **Applicant:** Many in the area have houses in the rear with access to the street.

TD: Ask for redesign to offer more landscaping between the properties and access to Santa Monica. Also, it's not always going to be in this family forever and they need to access Santa Monica.

VW: Is it allowable to have the front less than 25' wide.

CC: There has been projects like this in the past that OBPB has seen and approved.

KH: Could develop the other way and be a shotgun style. This is a precedent we are setting if we vote for this.

VW: It could set precedent to split lots.



Ocean Beach Planning Board

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AS: RM1 zone. Lived next to a house like this so there is a precedent.

TD/JG Move to deny project

7/5/0 Yay: MB TD JG TG KH CK VW **No:** CC AC RM GM AS (NU absent from vote due to tech issues)

Action Item #3: CIP Ad Hoc Committee Report

<https://youtu.be/DyO1QmvNVK8?t=9188>

The board discussed multiple projects that were proposed by the CIP Ad Hoc Committee and narrowed them down the following, with the proposed priority numbers. The meeting was running late so Andrea proposed continuing the discussion to the August meeting. The Ad Hoc Committee will bring a clean, proposed, motion before the Board at that time.

- 1 Pier with marine education center, wave energy capture, better bathrooms, extend stairs to the beach
- 1 Lifeguard / Police substation tower including safe, monitored and ADA compliant restrooms
- 1 OB Library expansion and upgrade
- 3 ADA access to shoreline in the following locations: Dog Beach, Volleyball courts off Spray Street, Lifeguard tower area or Saratoga Park, Cape May
- 4 Storm drain repair and retrofitting
- 5 OB Rec Center improvements
- 5 OB Parks: Saratoga, Spray, Veteran's, and Ebers parks improvements previously requested in our recent parks proposal
- 6 Estuary project: fencing to protect wildlife from pedestrians and canines
- 6 Rebuild the access stairs south of the pier up to Niagara/Narragansett alley

Additional items discussed but opposed by members were as follows:

- Serial roundabouts on West Point Loma at Abbott, Cable and Ebers
 - Not in support: RM. In Support: JG TD AS (AS: CIP may not be the most efficient use of a CIP. Suggested we request a traffic study instead)
- Walkable Newport: Closing the streets to vehicular traffic on 4900/5000 blocks
 - Not in support: CK RM
- Bike storage lockers located at Rec Center, Spray Street near volleyball courts and Pier area.
 - Not in support: KH YES: AG
- Pedestrian boardwalk from Dog Beach to the Pier
 - Not in support: KH AC CK

KH/AC: Move to support the above 9 CIP requests with the following priority

**At this time the meeting was running late, and we had lost a few board members (CC JG TG NU VW) due to time constraints. AS decided to continue the discussion to the August meeting. Yay: MB AC TD KH CK RM GM AS VW*

Action Item #4: Replacing Car Parking with Bicycle Parking

The Transportation Committee voted 6-0-0 to support the 2020 land development code update specifically for Municipal Code Section 142.0530 in Chapter 14, Article 2, Division 5 - Parking regulations, Table 142-05 F, the Ocean Beach Planning Board Transportation Committee supports the update to replace minimum parking requirements with bicycle parking at a ratio of two bicycle parking spaces for every 1 vehicle parking spot.

AS/TD move to postponed until the August meeting due to time constraints

Yay: MB AC TD KH CK RM GM AS VW



Ocean Beach Planning Board

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ATTACHMENT 7

OFFICER / SUBCOMMITTEE REPORTS

Chair: None, due to time constraints

Vice Chair: None, due to time constraints

Treasure: \$1023.63

LIAISON REPORTS

None, due to time constraints

FINAL

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	FORM DS-318 October 2017
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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 ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: _____ **Project No. For City Use Only:** _____

Project Address: _____

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General – What State? _____ Corporate Identification 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: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Applicant

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No



THE CITY OF SAN DIEGO

MAILED

JUN 29 2010

NEIGHBORHOOD CODE COMPLIANCE

June 29, 2010

NOTICE OF VIOLATION

Location: 1370 Sunset Cliffs Boulevard

Assessor's Parcel No.: 448-341-01

Owner: Inn At Sunset Cliffs, LLC
Attn: Gavin Fleming

Address: 1162 Pacific Beach Drive
San Diego CA 92109

Zone: RM-5-12 (Residential – Multiple Unit Zone)

A representative of the Neighborhood Code Compliance Division (NCCD) conducted an inspection of the above referenced premises on August 6, 2009 and June 4, 2010.

The specific elements in violation include, but may not be limited to, the following:

1. The construction of a concrete patio, fence on top of the sea wall, and stairs leading to the lower concrete deck adjacent to the Sensitive Coastal Bluff Edge without the required Site Development Permit/Coastal Development Permits.
2. Operating the premises as a commercial venue for weddings where the hotel lacks the facilities associated with conducting weddings (no banquet room, restaurant or dance facility) and no area to accommodate gatherings of large numbers of people is considered an intensification of use without a Site Development Permit and Coastal Development Permit.
3. Garages constructed to provide off street parking for the original apartment and hotel use are being used for storage, elimination required off street parking.

In accordance with San Diego Municipal Code (SDMC) this is to notify you that the following violation(s) were observed and must be corrected by the dates listed below.



**Development Services Department
Neighborhood Code Compliance Division**

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106

Tel 619 221-5500 Fax 619 221-5020

Notice of Violation
 1370 Sunset Cliffs Blvd.
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The specific code sections in violation include, but may not be limited to, the following:

SDMC Section 121.0302 Required Compliance with the Land Development Code.

(a) It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.

(b) It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code:

- (1) To erect, place, construct, convert, establish, alter, use enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any structures;
- (2) To grade, excavate, clear, fill, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any lot or premises; or
- (3) To change density or intensity of the use of land; or
- (4) To maintain or allow the existence of any condition that creates a public nuisance.

SDMC Section 131.0430 Development Regulations of Residential Zones.

(a) Within the residential zones, no structure or improvement shall be constructed, established, or altered, nor shall any premises be used unless the premises complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

SDMC Section 126.0502 When a Site Development Permit is Required.

(a) Site Development Permit decided in accordance with Process Three is required where environmentally sensitive lands are present for the following types of development.

- (4) Commercial development on a premises containing environmentally sensitive lands, as described in Section 143.0110.

SDMC Section 126.0702 When a Coastal Development Permit is Required.

(a) Permits issued by the City. A Coastal Development Permit issued by the City is required for all coastal development of a premises within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area as described in Section 126.0702(b).

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SDMC Section 143.0143 Development Regulations for Sensitive Coastal Bluffs

Coastal Development on premises containing sensitive coastal bluffs, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) No development is permitted on the face of a sensitive coastal bluff, except as permitted in Section 143.0143(g) and (h), and the coastal bluff face shall be preserved as a condition of permit approval.

(d) All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or public right-of-way designate to carry surface drainage run-off. All drainage from any unimproved areas shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the coastal bluff.

(f) All development including buildings, accessory structures, and any additions to existing structures shall be set back at least 40 feet from the coastal bluff edge, except as follows:

(1) The City Manager may permit structures to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the development at the proposed distance from the coastal bluff edge and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the primary structures, and no shoreline protection is required. Reduction from the 40-foot setback shall be approved only if the geology report concludes the structure will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the structure. In addition, the applicants shall accept a deed restriction to waive all rights to protective devices associated with the subject property. The geology report shall contain:

- (A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;
- (B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;
- (C) An analysis of the potential effects of past and projected El Nino events on bluff stability;
- (D) An analysis of whether this section of coastline is under a process of retreat.

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SDMC Section 142.0510 General Parking Regulations

(a) Use of Required Parking Spaces. Required off-street parking spaces, parking areas, and transportation facilities shall be used only for parking operable vehicles of residents, employers, employees, customers, and visitors as appropriate to the allowed uses of the applicable zone.

(b) Parking Spaces to be Kept Clear. All off-street parking spaces and aisles shall be kept clear of any temporary or permanent obstructions.

2007 California Building Code, Title 24, Part 2, Chapter 11B, Section 1129B Accessible Parking Required.

1129B.1. General. Each lot or parking structure where parking is provided for the public as clients, guests or employees, shall provide accessible parking as required by this section. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

In order to comply with the law, you shall be required to meet the time frames and conditions stated below: _____

1. **Immediately** cease use of lower concrete patio area adjacent to bluff.
2. **By July 30, 2010**, remove all storage from garages and restore required accessible parking. Allow inspection by NCCD. Cease use of the premise for commercial uses (i.e. weddings).
3. **By August 30, 2010**, submit an application for a Coastal Development Permit and Site Development Permit for the commercial wedding intensification of use and concrete patio with fence and have the application deemed complete.

OR

By July 30, 2010:

1. Cease operation of the weddings.
2. Restore required accessible parking.
3. Removal of the fence and concrete slab on the Coastal Bluff requires a Site Development Permit/Coastal Development Permit. The application for the Site Development Permit/Coastal Development Permit must be submitted and deemed complete to **maintain** or **remove** the concrete patio and fence.

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Note : Be advised that the findings listed below must be met in order for a Site Development permit/Coastal Development Permit to be granted:

SDMC Section 126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504(b) through (n) that are applicable to the proposed development as specified in this section.

(a) Findings for all Site Development Permits

- (1) 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; and
- (3) The proposed development will comply with the applicable regulations of the Land Development Code.

(b) Supplemental Findings--Environmentally Sensitive Lands

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to environmentally sensitive lands may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0504(a):

- (1) The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;
- (2) The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;
- (3) The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;
- (4) The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

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(5) The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

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

(c) Supplemental Findings--Environmentally Sensitive Lands Deviations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to environmentally sensitive lands where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504(b):

(1) There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands; and

(2) The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

SDMC Section 126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the findings in Section 126.0708(a) and the supplemental findings in Section 126.0708(b) that are applicable to the proposed development.

(a) Finding for all Coastal Development Permits

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

(2) The proposed coastal development will not adversely affect environmentally sensitive lands; and

(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.

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(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.

(b) Supplemental Findings - Environmentally Sensitive Lands Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use.

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance with Section 143.0110 because of potential impacts to environmentally sensitive lands where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0708(a), (b), (c) and (d) and the supplemental findings in Section 126.0504 (b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following findings:

(1) Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and

(2) Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations; and

(3) The use proposed by the applicant is consistent with the applicable zoning; and

(4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and

Notice of Violation
1370 Sunset Cliffs Blvd.
June 29, 2010
Page 8

(5) The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program with the exception of the provision for which the deviation is requested.

The findings adopted by the decision making authority shall identify the evidence supporting the findings.

This case is being referred to the City Attorney's Office.


THIS NOTICE MUST BE SUBMITTED WHEN APPLYING FOR APPROVAL TO DEVELOP AND/OR APPLYING FOR REQUIRED PERMITS.

Engineering and building permits may be applied for at the Development Services Department, 1222 First Avenue, third floor. Please telephone (619) 446-5000 for general information about getting the required permits.

Failure to comply with this Notice of Violation may result in further enforcement actions such as administrative citations, administrative abatement, civil penalties, reinspection fees, revocation of permits, recordation of the notice of violation, withholding of future municipal permits, or prosecution via criminal complaint or civil injunction.

Be advised that there is a reinspection fee (\$98.00 or \$105.00) to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

If you have any questions, please call me at (619) 235-5251.


Lisa Johnson
Land Development Investigator

LJ/lm

cc: Marcia Venegas, California Coastal Commission

NC# 140779

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

THE CITY OF SAN DIEGO

**AGREEMENT FOR AN EMERGENCY COASTAL DEVELOPMENT PERMIT/
SITE DEVELOPMENT PERMIT****December 22, 2015****Inn at Sunset Cliffs Emergency/Project No. 462790**

THIS Agreement is made and entered into between the City of San Diego, a municipal corporation, and SEN TAIR JIU, Owner/Permittee, to allow repair to an existing deck which suffered damaged due to large waves and high tides. Remedial repair includes sealing cave entries under deck with high strength quick set concrete; filling the holes with a mix of concrete, rock, and sand; and repairing the deck surface in kind with concrete. The property is located at 1370 Sunset Cliffs Boulevard in the RM-5-12 Zone within the Ocean Beach Community Plan

WHEREAS, a coastal or environmentally sensitive lands (ELS) emergency is a sudden, unexpected occurrence within the Coastal Overlay Zone and on ESL that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services;

WHEREAS, a coastal and ESL emergency is subject to the regulations in the City of San Diego Municipal Code section 126.0718 and 143.0126 [SDMC];

WHEREAS, the SDMC permits approval for a coastal or ESL emergency by authorizing the minimum necessary to stabilize the emergency;

WHEREAS, the SDMC requires the subsequent processing of a standard Coastal Development Permit (CDP)/Site Development Permit (SDP) application for any work authorized as a coastal or ESL emergency;

WHEREAS, the Owner/Permittee requests approval to obtain an emergency CDP/SDP and agrees that any emergency development allowed is temporary therefore must be removed if a follow-up CDP/SDP application is not deemed complete within 90 days of approval, or if the

Emergency Coastal Development Permit/Site Development Permit Agreement
December 22, 2015

follow-up CDP/SDP is denied, then all development approved by this agreement shall be removed from the property.

BE IT RESOLVED, by the City of San Diego, that it adopts the following Findings with respect to this coastal emergency:

Emergency Coastal Development Permit Findings (SDMC section 126.0718)

- 1. A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a CDP and the development can and will be completed within 30 days unless otherwise specified in the permit;**

The site is currently processing a Coastal Development Permit/Site Development Permit for the "after-the-fact" surfacing of a deck on environmentally sensitive lands associated with an existing 24 room hotel on a 0.56 acre site located at 1370 Sunset Cliffs Blvd in the RM-5-12 Zone within the Ocean Beach Community Plan. A portion of the existing deck developed large holes due to waves and high tides on the weekend of the December 12, 2015. The large holes have induced erosion by waves to the west and escaping water from the east; together, these threaten the bluff face and the sixty-plus-year-old hotel as well as a nearby City roadway. Repair work includes filling in deck holes with a mix of concrete, rock, and sand, and repairing the deck surface in kind with concrete to seal the hole. Additionally, work will include the placement of temporary concrete forms to be installed prior to concrete infilling of the sea cave with high strength quick set concrete. The City has determined the damaged deck and underlying erosion on the landward side of the seawall poses immediate danger to the health, welfare, or safety of both persons and property. Therefore, A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the development can and will be completed within 30 days unless otherwise specified in the permit.

- 2. Public comment on the proposed coastal emergency action has been solicited and reviewed to the extent feasible; and**

A Notice of Proposed Work for a Coastal Emergency has been distributed to the Ocean Beach Community Planning Group, the California Coastal Commission, interested parties, and published in the San Diego Daily Journal. Additionally, a Notice of Right to Appeal the Environmental Determination has also been distributed for public review. In addition, the subject permit and project will be required to go through the standard permit application process for a Coastal Development Permit. Staff has reviewed comments to the extent feasible from applicable noticed parties.

Emergency Coastal Development Permit/Site Development Permit Agreement
December 22, 2015

3. The proposed emergency work is consistent with the Local Coastal Program.

The project's applicant has been determined to be eligible for an Emergency Permit and will be processed under San Diego Municipal Code Section 126.0718. The emergency project will be required to go through the standard process for a Coastal Development Permit. The project was reviewed under regulations of the Local Coastal Program and City of San Diego Municipal Code. The project site will be subject to Coastal Development Permit No. 827699 currently being processed for the after-the-fact surfacing of a deck on environmentally sensitive lands associated with an existing 24 room hotel. The City has determined that a coastal emergency exists in a localized area at 1370 Sunset Cliffs Boulevard as of December 14, 2015. Therefore, the proposed emergency work is consistent with the Local Coastal Program.

Emergency Site Development Permit Findings (SDMC section 143.0126)

- 1. A emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Site Development Permit and the development can and will be completed within 30 days unless otherwise specified in the permit;**

The site is currently processing a Coastal Development Permit/Site Development Permit for the "after-the-fact" surfacing of a deck on environmentally sensitive lands associated with an existing 24 room hotel on a 0.56 acre site located at 1370 Sunset Cliffs Blvd in the RM-5-12 Zone within the Ocean Beach Community Plan. A portion of the existing deck developed large holes due to waves and high tides on the weekend of the December 12, 2015. The large holes have induced erosion by waves to the west and escaping water from the east; together, these threaten the bluff face and the sixty-plus-year-old hotel as well as a nearby City roadway. Repair work includes filling in deck holes with a mix of concrete, rock, and sand, and repairing the deck surface in kind with concrete to seal the hole. Additionally, work will include the placement of temporary concrete forms to be installed prior to concrete infilling of the sea cave with high strength quick set concrete. The City has determined the damaged deck and underlying erosion on the landward side of the seawall poses immediate danger to the health, welfare, or safety of both persons and property. Therefore, A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the development can and will be completed within 30 days unless otherwise specified in the permit.

Emergency Coastal Development Permit/Site Development Permit Agreement
December 22, 2015

- 2. Public comment on the proposed coastal emergency action has been solicited and reviewed to the extent feasible; and**

A Notice of Proposed Work for a Coastal Emergency has been distributed to the Ocean Beach Community Planning Group, the California Coastal Commission, interested parties, and published in the San Diego Daily Journal. Additionally, a Notice of Right to Appeal the Environmental Determination has also been distributed for public review. In addition, the subject permit and project will be required to go through the standard permit application process for a Coastal Development Permit. Staff has reviewed comments to the extent feasible from applicable noticed parties.

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

In consideration of the above recitals and the mutual covenants and conditions set forth herein, and in consideration thereof, the Parties agree as follows:

The above-listed recitals are true and correct and incorporated by reference.

1. Owner's real property is legally described as and is commonly referred to as Block 27 of Sunset Cliffs, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1889, filed in the office of the County Recorder of San Diego County, March 1, 1926.

2. Owner's Property is located in the RM-5-12 Zone of the Coastal Overlay Zone (appeable).

3. Owner may fill in deck holes with a mix of concrete, rock, and sand and repair the deck surface in kind with concrete to seal the hole. Additionally, work will include the placement of temporary concrete forms to be installed prior to concrete infilling of the sea cave and the filling of the sea cave entries with high strength quick set concrete.

4. This Agreement shall run with the land for the protection and benefit of all Parties concerned. If fee title to the property or any partial interest therein is conveyed to any other person, firm, or corporation, the conveying instrument shall contain a restriction referencing this Agreement or restrictive language consistent with this Agreement.

Emergency Coastal Development Permit/Site Development Permit Agreement
December 22, 2015

5. If Owner or their successor or assign violates any term of this Agreement at any time, the City may terminate this Agreement consistent with the revocation procedures in the SDMC.

CONDITIONS

1. This Agreement must be signed by the Owner/Permittee and returned to the Development Project Manager within 5 days.
2. Only that work specifically described in this Agreement and for the specific property listed above is authorized. No other work is approved by this emergency action.
3. 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 Agreement.
4. This Agreement does not obviate the need to obtain necessary authorization and/or permits from other agencies (e.g. California Coastal Commission, Department of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, State Lands Commission).
5. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer. An as-graded geotechnical report shall be prepared by a registered professional engineer and submitted to Louis Schultz of the Engineering Review Section of Development Services Department within 30 days of the completion of grading.
6. Prior to beginning construction, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
7. Prior to beginning construction the Owner/Permittee shall prepare 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.
8. All work authorized by this Agreement must be completed within 30 days or the permit is null and void. If during construction, site conditions warrant changes to the approved design, DSD shall be contacted immediately prior to any changes in the field.

Emergency Coastal Development Permit/Site Development Permit Agreement
December 22, 2015

9. The processing of Coastal Development Permit No. 827666/Site Development Permit No. 1612524 shall continue and disclose the processing of this emergency Coastal Development Permit.
10. Any development or structures constructed pursuant to this emergency permit shall be considered temporary until authorized by a follow-up CDP/SDP, and that the issuance of an emergency CDP/SDP shall not constitute an entitlement to the erection of permanent structures. Any development authorized by this emergency permit must be removed unless a complete application for a regular CDP/SDP for the development is filed and deemed complete within 90 days of issuance of the emergency permit. If a regular CDP/SDP authorizing permanent retention of the development, or a portion of the development, is denied, then the development that was authorized in the emergency permit, or the denied portion of the development, must be removed.
11. All repairs incorporated in this emergency CDP/SDP shall be conducted above the mean high tied line and exclude the sea wall.

IN WITNESS WHEREOF, this Agreement is executed by the City of San Diego, acting by and through its Development Services Department Director, pursuant to the City Manager's delegation of authority in SDMC section 22.0226 authorizing such execution, and by the Owner.

By Sen Tair Jou
Sen Tair Jou, Owner/Permittee

By William Zoung
William Zoung
Development Project Manager - Authorized Representative



THE CITY OF SAN DIEGO

REVISED

Date of Notice: December 23, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24001513

PROJECT NAME/NUMBER: Inn at Sunset Cliffs Emergency/ PTS# 462790**COMMUNITY PLAN AREA:** Ocean Beach Planning Area**COUNCIL DISTRICT:** 2**LOCATION:** 1370 Sunset Cliffs Boulevard, San Diego, CA 92107

PROJECT DESCRIPTION: Emergency Coastal Development Permit and Site Development Permit for the repair of an existing deck which developed a large a sink hole due to large waves and high tides. The deck supports a sea wall which is in immediate danger of possible collapse due to the sink hole. The deck is associated with an existing 24 room hotel on a 0.56 acre site at 1370 Sunset Cliffs Blvd in the RM-5-12 Zone within the Ocean Beach Community Plan, Coastal Overlay (appealable). Based on San Diego Municipal Code 126.0718 Procedures for Emergency Coastal Development Permits, a coastal emergency is a sudden, unexpected occurrence with the Coastal Overlay Zone that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. Qualified City staff has determined that that a coastal emergency, as defined, exists at the subject site at this time. **Therefore, this emergency activity could require subsequent permitting pursuant to the Land Development Code §143.0126 Emergency Authorization to Impact Environmentally Sensitive Lands** which states, “(b) if the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with all regulations of this division.”

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Development Services**ENVIRONMENTAL DETERMINATION:** EMERGENCY PROJECT (SEC. 21080(b) (4); 15269 (b)(c))**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:**

As the direct result of large surf and high ties a sink hole was created in the deck which supports the sea wall. Qualified City Staff has determined that if the seawall collapsed there would be an immediate danger to the health, welfare, and safety of both persons and property. The failure of the seawall could lead to bluff failure which could lead to the Inn falling into the ocean. Not taking


emergency action would likely endanger the property and surrounding properties which would include the health, safety, and welfare of persons in the area. Therefore, immediate action is necessary to prevent impacts to human health and public safety from the seawall collapse.

DEVELOPMENT PROJECT MANAGER: William Zounes
MAILING ADDRESS: 1222 First Avenue, MS 501 San Diego, CA
92101
PHONE NUMBER: (619) 687-5942

On 12/18/2015 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 staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice and therefore the appeal period would end on 1/7/2016. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101</p> <p>THE CITY OF SAN DIEGO</p>	<p>RECEIVED CITY CLERK'S OFFICE DEC 18 PM 4:23 SAN DIEGO, CALIF.</p>	<p>Development Permit/ Environmental Determination Appeal Application</p>	<p>FORM DS-3031</p>
		<p>AUGUST 2015</p>	

In order to assure your appeal application is successfully accepted and processed, you must read and understand **Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure"**.

1. Type of Appeal:

- ☐ Appeal of the Project
☒ Appeal of the Environmental Determination

2. Appellant: Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name: Coastal Environmental Rights Foundation E-mail Address: livia@coastlawgroup.com
 Address: 1140 South Coast Highway 101 City: Encinitas State: CA Zip Code: 92024 Telephone: (760) 942-8505

3. Project Name:

Inn at Sunset Cliffs Emergency/ PTS# 462790

4. Project Information

Permit/Environmental Determination & Permit/Document No.: Emergency Coastal Development Permit PTS# 462790	Date of Decision/Determination: 12/18/15	City Project Manager: William Zounes
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Decision: (Describe the permit/approval decision)

The City determined an emergency exists on environmentally sensitive lands and found the emergency CDP exempt from CEQA pursuant to Section 21080(b)(4) and Guideline Section 15269(b)(c)

5. Grounds for Appeal: (Please check all that apply)

- ☒ Factual Error ☐ New Information
☒ Conflict with other matters ☐ City-wide Significance (Process Four decisions only)
☒ Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

The proposed Emergency Coastal Development Permit (CDP) is for filling the sink hole and then "repairing the deck surface" with concrete to close the hole. The sink hole at the site does not constitute an emergency as defined by CEQA, the Coastal Act, or the City's municipal code. Further, the existing deck is unpermitted. Repair of the deck surface does not constitute an emergency as defined by CEQA, the Coastal Act, or the City's municipal code and the work to repair an unlawful deck should not be permitted via an emergency CDP.

Lastly, the NORA and the associated Notice of Proposed Work (attached) do not provide enough information to inform the public or decisionmakers the exact scope, extent and location of the proposed work.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: 12-18-2015

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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 Upon request, this information is available in alternative formats for persons with disabilities.



THE CITY OF SAN DIEGO

Date of Notice: December 18, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24001513

PROJECT NAME/NUMBER: Inn at Sunset Cliffs Emergency/ PTS# 462790**COMMUNITY PLAN AREA:** Ocean Beach Planning Area**COUNCIL DISTRICT:** 2**LOCATION:** 1370 Sunset Cliffs Boulevard, San Diego, CA 92107

PROJECT DESCRIPTION: Emergency Coastal Development Permit for the repair of an existing deck which developed a large a sink hole due to large waves and high tides. The deck supports a sea wall which is in immediate danger of possible collapse due to the sink hole. The deck is associated with an existing 24 room hotel on a 0.56 acre site at 1370 Sunset Cliffs Blvd in the RM-5-12 Zone within the Ocean Beach Community Plan, Coastal Overlay (appealable). Based on San Diego Municipal Code 126.0718 Procedures for Emergency Coastal Development Permits, a coastal emergency is a sudden, unexpected occurrence with the Coastal Overlay Zone that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. Qualified City staff has determined that that a coastal emergency, as defined, exists at the subject site at this time. Therefore, this emergency activity could require subsequent permitting pursuant to the Land Development Code §143.0126 **Emergency Authorization to Impact Environmentally Sensitive Lands** which states, "(b) if the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with all regulations of this division."

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Development Services**ENVIRONMENTAL DETERMINATION:** EMERGENCY PROJECT (SEC. 21080(b) (4); 15269 (b)(c))**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:**

As the direct result of large surf and high ties a sink hole was created in the deck which supports the sea wall. Qualified City Staff has determined that if the seawall collapsed there would be an immediate danger to the health, welfare, and safety of both persons and property. The failure of the seawall could lead to bluff failure which could lead to the Inn falling into the ocean. Not taking emergency action would likely endanger the property and surrounding properties which would include the health, safety, and welfare of persons in the area. Therefore, immediate action is

necessary to prevent impacts to human health and public safety from the seawall collapse.

DEVELOPMENT PROJECT MANAGER: William Zounes
MAILING ADDRESS: 1222 First Avenue, MS 501 San Diego, CA
92101
PHONE NUMBER: (619) 687-5942

On 12/18/2015 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 staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice and therefore the appeal period would end on 1/5/2016. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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



THE CITY OF SAN DIEGO

DATE OF PUBLISHED NOTICE: December 18, 2015

NOTICE OF PROPOSED WORK FOR A COASTAL EMERGENCY

DEVELOPMENT SERVICES DEPARTMENT

This is to inform you that the Development Services Department Staff will make a decision to either approve, conditionally approve, modify or deny an Emergency Coastal Development Agreement application within the Coastal Overlay Zone for the repair to an existing deck which developed a sink hole due to large waves and high tides. Remedial repair includes filling the sink hole with a mix of concrete, rock, and sand then repairing the deck surface with concrete to close the hole. City staff has determined that a coastal emergency, as defined in San Diego Municipal Code section 126.0718, exists at the subject site at this time. The deck is associated with an existing 24 room hotel on a 0.56 acre site located at 1370 Sunset Cliffs Blvd in the RM-5-12 Zone within the Ocean Beach Community Plan. Note – any approval for emergency development requires the subsequent processing of a standard Coastal Development Permit application for any work authorized on an emergency basis.

PROJECT TYPE/NUMBER:	Emergency Coastal Development Agreement/PTS 462790	
PROJECT NAME:	<u>INN AT SUNSET CLIFFS EMERGENCY</u>	
APPLICANT:	Chris Morrow	
COMMUNITY PLAN AREA:	Ocean Beach	COUNCIL DISTRICT: 2
CITY PROJECT MANAGER:	William Zounes	
MAILING ADDRESS:	1222 First Ave., MS 501, San Diego, CA 92101-4155	
PHONE NUMBER:	(619) 687-5942/wzounes@sandiego.gov	

The decision by City staff will be made **without** a public hearing no less than *forty eight (48) hours* from the Date of this Published Notice. The decision to approve an Emergency Coastal Development Agreement by the Development Services Department Staff can be not be appealed. There is no official Community Planning Group review required.

If you have any questions or comment on the proposed coastal emergency action after reviewing this information, you may call the City Project Manager listed above. This information will be made available in alternative formats upon request.



CITY OF SAN DIEGO
CALIFORNIA

OFFICIAL RECEIPT

DEPARTMENT/DIVISION NAME

City Clerk/legislative

07 143207

DATE

ATTACHMENT 11

12-18-15

AMOUNT:

one hundred

DOLLARS

00/100

CENTS

\$ 100.00

RECEIVED FROM:

Coast Env. Rights Found.

ADDRESS:

First Legal Services, Inc.

3600 Lime St #626 Riverside 92501

IN PAYMENT OF:

CEQA Appeal - Inn at Sunset Cliffs Emerg
Project No. 462790



CHECK

7031



CASH

RECEIVED BY:

Linda Krvin

FOR ABOVE NAMED DEPARTMENT

FUND	DEPARTMENT	ORGANIZATION	ACCOUNT	JOB ORDER	FACILITY	AMOUNT
700036			GL# 422014		CC# 161120013	

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PINK - TREASURER
YELLOW - RETAIN
GREEN - AUDITOR

FIRST LEGAL SERVICES, INC
Field Account (SD)

3600 Lime St #626
Riverside, CA 92501

FRAUDARMOR

7031

12-18-2015

11-35/1210

Pay to the
Order of

City Treasurer

\$ 100.00

One Hundred

Dollars

BANK OF AMERICA

Not To Exceed \$1,000.00
For Deposit Only

For 649 687

007031 121000358 325000577823



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

FORM

DS-3031

Revised 2012

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☒ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
☒ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name: Craig A. Sherman, Esq. (c/o Tim and Barbara Houlton) E-mail Address: craigshermanapc@gmail.com
 Address: 1901 First Ave, Suite 219 City: San Diego State: CA Zip Code: 92101 Telephone: (619) 702-7892

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Gavin Fleming/Sen Tair Jou/Inn at Sunset Cliffs

4. Project Information

Permit/Environmental Determination & Permit/Document No.: Project # 462790/ SAP #24001513	Date of Decision/Determination: December 18, 2015	City Project Manager: William Zounes
--	--	---

Decision (describe the permit/approval decision):

Environmental Determination: Emergency Project. PRC sec. 21080(b); CEQA Guidelines sec. 15269

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error
☒ Conflict with other matters
☒ Findings Not Supported
☐ New Information
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

The Environmental Determination of the Emergency Permit for the Inn at Sunset Cliffs ("Project") is not supported

and violates the law for the below reasons and the reasons contained in the ATTACHMENT "A" hereto.

- (1) An emergency exemption cannot be used to legalize, fortify, re-build, or in any way improve an illegal and nonconforming use.
- (2) An emergency exemption cannot be used to trump, supercede, or nullify express, existing, and non-waivable prior project permit conditions, and deed-restrictions.
- (3) The Project description for the scope of work to be conducted under the purported exemption is impermissibly vague, incomplete, and does not meet the standards required by CEQA.
- (4) The emergency, as substantially factually and legally created by owner(s) and applicant(s) here, cannot legally form the basis for an "emergency" as being applied and approved by the City.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: [Signature] Date: 12/31/15

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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 Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 (10-12)

COPY

TELEPHONE
(619) 702-7892

FACSIMILE
(619) 702-9291

ATTACHMENT TO ENVIRONMENTAL DETERMINATION APPEAL
Inn At Sunset Cliffs (City Project No. 461790 / SAP No. 24001513
Decision Date: December 18, 2015

Supplemental Facts and Arguments Supporting the Appeal:

A) The illegally constructed “deck above seawall” was known for years to be constructed in a manner that threatens health and safety and thus cannot be considered an emergency. Such is the purpose of building and development codes. The City and owner/applicant have chosen a path and timeline to not follow a timely or lawfully manner of compliance. Since at least April 3, 2011 the City has been provided data and photos showing that the cliff and deck were in danger of collapse. Equally true, the owner/applicant’s years-long delay and staling has done little or nothing other than some intermittent illegal construction and seawall/deck fortification. Under such facts, the City and applicant cannot claim an “emergency” exemption under the applicable codes. See *Western Municipal Water District of Riverside County v. Superior Court of San Bernardino County* (1987) 187 Cal. App. 3d 1104, wherein the court held that an emergency is an occurrence, not a condition, and that the occurrence must have been created by a matter demanding immediate attention. In this case, the City and owner/applicant delayed and dragged its feet for four or more years, allowing the illegal structure to knowingly demise, and now claim disaster and emergency once it did.

B) The environmental exemption and emergency cannot be crafted and decided in a way to undermine, escape, or nullify existing development and deed restrictions. In 2005, the Coastal Commission approved Coastal Development Permit No. 6-05-131 (hereafter, “CDP”) for filling and repairs to the eroding seawall fronting the Inn at Sunset Cliffs. After significant Commission enforcement investigation, it was determined that the property owners do not have a CDP authorizing the construction, maintenance, or use of the lower terrace as a deck on their property.

Specifically, the Environmental Determination and actions of the City violate the purpose and intent of an emergency project with regards to prior committed CDP and deed restricted protections, including but not limited to:

- 1) “Repairs to a portion of an existing masonry block vertical seawall located at the base of a coastal bluff on the public beach that has become undermined consisting of filling a void that has developed behind the seawall and below an existing concrete patio with erodible concrete on a site containing an existing 24-room hotel.”

ATTACHMENT TO ENVIRONMENTAL DETERMINATION APPEAL*Inn At Sunset Cliffs (City Project No. 461790 / SAP No. 24001513)*Decision Date: December 18, 2015

Page 2

- 2) “No work is authorized to the existing un-permitted deck/patio area; only repair work to the existing seawall and filling of the void behind the seawall with erodible concrete is authorized.”
- 3) Owner and permittee is “required to remove all debris deposited on the beach or in the water as a result of the construction [and] shall also be responsible for the removal of debris resulting from failure of, or damage to, the shoreline protective device in the future.”
- 4) If “repair and maintenance is necessary, the permittees shall contact the Commission office to determine whether permits are legally required, and, if required, shall subsequently apply for a coastal development permit for the necessary maintenance prior to beginning any such work, and they shall comply with the terms of any permit granted.”
- 5) The applicant shall indicate the location of access corridors to the construction site and staging areas and any final plans shall ensure “No overnight storage of equipment or materials shall occur on the public beach or public parking spaces.”
- 6) Runoff Control Measures/BMPs for Construction. Requires “review and written approval runoff control plans that include measures to prevent deposition of construction materials into the marine environment.”
- 7) Protection of Rocky Intertidal Animals. “A biological survey of the sea cave and the project vicinity shall be performed to determine whether or not there are any rocky intertidal animals that will be adversely affected by the proposed project. If any rocky intertidal animals are identified, the applicant shall arrange to have the species relocated prior to commencement with project construction. The removal of the rocky intertidal animals shall be performed by a biologist familiar with intertidal systems to ensure that the species is relocated in a manner which does not result in overcrowding or other negative impacts to their survival rate.”
- 8) A Deed Restriction was executed and recorded against the parcel governed by the CDP requiring and allowing development on the subject property subject to terms and conditions that restrict the use and enjoyment of that property, and under that cannot be extinguished or terminated for any reason so long as the CDP permit and/or the development it authorizes remains in existence.

The City’s approval and environmental determination violate existing site and deed restrictions and conditions necessary for the protection of the public. Under the facts of this case, such conditions and restrictions are not waivable and able to be extinguished in the manner here under an exemption. Thus, City was required to consider and impose these as project conditions.

ATTACHMENT TO ENVIRONMENTAL DETERMINATION APPEAL*Inn At Sunset Cliffs (City Project No. 461790 / SAP No. 24001513*Decision Date: December 18, 2015

Page 3

C. The proposed CEQA determination and exemption exceeds the City's jurisdiction with respect to filling the hole in the seawall. While the City's determination and approval purports to only allow work above the mean high tide line, its approval for construction apparently grants and directs the owner and applicant to *fill the holes and cave entries*. As the City should be well aware, the broken seawall and cave entries are within the mean high tide line and within the exclusive jurisdiction of the Coastal Commission. (See Exhibit 1 hereto, page 6 of Record of Survey 21417.) The contradictory authorization to allow the owner and applicant to fill the hole and sea cave with quick set concrete is a knowing and blatant violation of law and authority.

D. Even assuming the landward side of the seawall is City jurisdiction, the lower deck is built directly on the coastal bluff which is prohibited by Policy 7.1.2 of the Ocean Beach Community Plan and is also prohibited by LDC Section 143.0143(a). As a result, none of the proposed emergency work can be approved pursuant to the City of San Diego Municipal Code or the Coastal Act. The City's authorization to "repair the deck surface in kind with concrete" and to place concrete forms as a base under a massive cave-filled "high strength quick set concrete" cannot be authorized under an exemption or emergency permit.

E. This appeal incorporates by reference the previously submitted objections to the subject City approvals as filed by appellant and this office on December 18, 2015.



1"=10'

PACIFIC OCEAN

POINT LOMA AVE.

LIMITS OF PUBLIC RIGHT OF WAY

DEED 2

SEA WALL ENCROACHES
ONTO THE WATERS OF
THE PACIFIC OCEAN.
APPARENTLY ACCEPTED
ON PLAT "A" AS THE
BOUNDARY LINE OF THE
SUBJECT PROPERTY.

BOUNDARY LINE PER
PLAT "A."

SEA WALL AND ASSOCIATED
IMPROVEMENTS AND SUBSURFACE
FEATURES ENCROACH ONTO THE WATERS
OF THE PACIFIC OCEAN BY 215 SQUARE
FEET.

THE WEST LINE OF THIS WALL HAS
APPARENTLY ACCEPTED ON PLAT "A" AS
THE BOUNDARY LINE OF THE SUBJECT
PROPERTY, PRESUMABLY ON A THEORY
ON ARTIFICIAL ACCRETIONS. SEE PLAT
"A" AND NOTE PLACED HEREON
REGARDING PLAT "A."

GENERAL SITE IMPROVEMENTS
(WALLS, FENCES, STEPS,
STRUCTURES, ETC.)

MEAN HIGH TIDE LINE OF
THE PACIFIC OCEAN
ACCORDING TO CITY OF
SAN DIEGO ENGINEERING
DRAWING 4713-L AND
MM 201. WESTERLY LINE
OF BLOCK 27, MAP 1889
AND WESTERLY LINE OF
CITY OF SAN DIEGO
PUEBLO LANDS.



PALLAMARY
&
ASSOCIATES

7755 FAY AVENUE, SUITE J
LA JOLLA, CA 92037
(858) 454-4094
FAX(858) 454-4667

STOP WORK ORDER

Construction not in accordance with approved permit and submitted plans

PROPERTY ADDRESS: 1370 Sunset Cliffs Boulevard

APPLICANT CONTACT: Chris Morrow

PERMIT NUMBER/DESCRIPTION: CDP/SDP No.1619535/1621846: Emergency Coastal Development Permit/Site Development Permit to allow repair to an existing deck which suffered damages due to large waves and high tides. Remedial repair includes sealing cave entries under deck with high strength quick set concrete; filling the holes with a mix of concrete, rock, and sand; and repairing the failed deck surface in kind with concrete.

This is a Stop Work Order for the subject project. Your property has been determined to be in violation of the San Diego Municipal Code, including but not limited to sections 126.0723 and 126.0505. As of the date of this letter, the Neighborhood Code Compliance Division has witnessed work in violation of emergency Coastal Development Permit No. 1619535/Site Development Permit No. 1621846, including the removal of the existing concrete deck, the partial construction of a retaining wall, and the construction of a fire pit seating area. The City's Enforcement Official is authorized to issue such notices by the City's Municipal Code Sections 121.0205 and 121.0309.

This letter shall be posted in public view. All work not in compliance with CDP/SDP No. 1619535/1621846 must be halted until further review from the City. You must provide the City with documentation as follows:

- In order to receive permission to perform work outside of the scope of the work described in the Emergency Coastal Development Permit/Site Development Permit, you may be required to submit an application for an amendment or new permit(s). In order to justify any increased scope of the emergency repair, the project's geotechnical consultant must provide a more detailed description of the actions taken and describe the probable consequences of failing to take emergency action. The discussion should be supplemented with a geologic/geotechnical map and cross sections showing the "changed" conditions encountered during construction and the proposed (after-the-fact) emergency repair.
- The project's geotechnical consultant must address the reasonable alternatives available for addressing the emergency and justify the action taken as the least environmentally damaging alternative and minimum necessary to stabilize the emergency.
- The applicant must submit revised plans showing the proposed (after-the-fact) construction change to the authorized emergency work including the area of all the voids. The plans

must provide details of all proposed (after-the-fact) work, particularly work consisting of reinforced concrete.

This information is necessary for the City to verify the facts and to determine if it can make the necessary findings to approve or conditionally approve the revised scope of work. The City might deny a request for a revised scope of work, in which case you may be required to return the property to its previous condition.

Issued by: William Zounes

Phone: (619) 687-5942

Date: January 21, 2016

Signature:

A handwritten signature in black ink, appearing to read "William Zounes", written over a horizontal line.

DEVELOPMENT PERMIT PLANS:

COASTAL BLUFF STABILIZATION

THE INN AT SUNSET CLIFFS, 1370 SUNSET CLIFFS BLVD.

GENERAL NOTES

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THESE PLANS, THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, AND THE SAN DIEGO AREA REGIONAL STANDARD DRAWINGS. ANY CHANGES OR REVISIONS THEREFROM SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO ANY REQUEST FOR INSPECTION.
2. GOVERNING CODE AUTHORITY: California Coastal Commission and the City of San Diego.
3. GENERAL NOTES AND TYPICAL DETAILS APPLY TO THE DRAWINGS UNLESS NOTED OR DETAILED OTHERWISE.
4. WHERE DISCREPANCIES BETWEEN GENERAL NOTES AND DRAWINGS OCCUR, DRAWINGS TAKE PRECEDENCE.
5. DRAWINGS INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION. WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAILS SHOWN, USE SIMILAR DETAILS OF CONSTRUCTION SUBJECT TO REVIEW BY ENGINEER.
6. THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE. UNLESS OTHERWISE SHOWN, THEY DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR WILL SUPERVISE AND DIRECT THE WORK AND IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY FIELD REPRESENTATIVES OF THE ENGINEER DO NOT INCLUDE INSPECTIONS FOR PROTECTIVE MEASURES OR THE PROCEDURES REQUIRED FOR CONSTRUCTION. ANY SUPPORT SERVICES PERFORMED BY THE ENGINEER DURING CONSTRUCTION ARE DISTINGUISHED FROM CONTINUOUS AND DETAILED INSPECTION SERVICES, WHICH ARE FURNISHED BY OTHERS. THESE SUPPORT SERVICES WHICH ARE FURNISHED BY THE ENGINEER, WHETHER OF MATERIAL OR WORK, AND WHETHER PERFORMED PRIOR TO, DURING OR AFTER COMPLETION OF CONSTRUCTION, ARE PERFORMED SOLELY FOR THE PURPOSE OF ASSISTING IN QUALITY CONTROL AND IN ACHIEVING CONFORMANCE WITH CONTRACT DRAWINGS AND SPECIFICATIONS, BUT THEY DO NOT GUARANTEE CONTRACTOR'S PERFORMANCE AND IS NOT TO BE CONSTRUED AS SUPERVISION OF CONSTRUCTION.
7. ALL CONDITIONS SHOWN OR NOTED AS EXISTING ARE BASED ON BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. NO WARRANTY IS IMPLIED AS TO THE ACCURACY OF SAME. FIELD VERIFY ALL CONDITIONS AND IMMEDIATELY BRING TO THE ATTENTION OF THE ENGINEER, WHEN IT BECOMES APPARENT, ANY CONDITIONS THAT DIFFER FROM THE CONDITIONS SHOWN HEREIN. THE ENGINEER WILL THEN PREPARE ADDITIONAL DRAWINGS AS MAY BE NEEDED TO ACCOMMODATE THE CONDITIONS AS BROUGHT TO THEIR ATTENTION.

TOPOGRAPHY SOURCE

TOPOGRAPHIC BASE MAP PREPARED BY:
SAN DIEGUITO ENGINEERING, INC.,
4407 MANCHESTER, SUITE 105, ENCINITAS, CA 92024
(760) 753-5525

BENCHMARK AND SURVEY NOTES

BENCHMARK: THE BENCHMARK FOR THIS PROJECT IS A BRASS PLUG IN TOP OF CURB AT THE SOUTH CORNER OF POINT LOMA AVENUE AND SUNSET CLIFFS BOULEVARD, AS PUBLISHED IN THE CITY OF SAN DIEGO BENCHMARK BOOK

ELEV.: 26.448 MSL (NGVD '29 DATUM)

TOTAL DISTURBED AREA

<0.131 ACRES

GRADING QUANTITIES

GRADED AREA	0.012 ACRES	MAX. CUT DEPTH.....	N/A
CUT QUANTITIES	20 CYD	MAX CUT SLOPE RATIO.....	N/A
FILL QUANTITIES.....	520 CYD	MAX. FILL DEPTH.....	7 FT.
IMPORT / EXPORT.....	500 CYD	MAX FILL SLOPE RATIO.....	2:1

THIS PROJECT PROPOSES TO IMPORT APPROXIMATELY 500 CY OF MATERIAL TO THIS SITE. ALL EXPORT OF CONSTRUCTION MATERIALS SHALL BE DISCHARGED TO A LEGAL DISPOSAL SITE. THE APPROVAL OF THIS PROJECT DOES NOT ALLOW PROCESSING AND SALE OF THE MATERIAL. ALL SUCH ACTIVITIES REQUIRE A SEPARATE CONDITIONAL USE PERMIT.

PROJECT DATA

PROJECT TEAM:	
DESIGN ENGINEER:	WALTER F. CRAMPTON, RCE
ENGINEERING GEOLOGIST:	BRAVEN R. SMILLIE , CEG
	TERRACOSTA CONSULTING GROUP
	3890 MURPHY CANYON ROAD, STE 200
	SAN DIEGO, CALIFORNIA 92123
	(858) 573-6900
SITE ADDRESS:	THE INN AT SUNSET CLIFFS
	1370 SUNSET CLIFFS BLVD.
	SAN DIEGO, CA 92107
LEGAL DESCRIPTION:	MAP 1889, BLOCK 27, LOT 1, EXC SW 125 FT
ASSESSOR PARCEL NO.:	APN 448-341-01-00
OWNER NAME & ADDRESS:	INN AT SUNSET CLIFFS
	GAVIN FLEMING, MANAGER
	1370 SUNSET CLIFFS BLVD.
	SAN DIEGO, CA 92107
OCCUPANCY CLASSIFICATION:	HOTEL/MOTEL
ZONING DESIGNATION:	RM-5-12
YEAR CONSTRUCTED:	1953
LOT SIZE:	23,648 S.F. / 0.542 ACRES

PROJECT SCOPE OF WORK:

THIS PROJECT CONSISTS OF THE FOLLOWING:

1. INSTALLATION OF TEMPORARY EROSION CONTROL.
2. DRILL PILES, PLACE FORMS, AND INSTALL REINFORCING.
3. DRILL AND PLACE HYDROAGUERS.
4. PLACE CONCRETE TO FORM SECANT PILES. APPLY ARCHITECTURAL TREATMENT TO WALL FACE TO MATCH SURROUNDING BLUFFS.
5. PLACE WALKING SURFACE LANDWARD OF WALL.
6. DEMO EXISTING WALLS, CONCRETE INFILLS AND DEBRIS, AND HAUL OFFSITE.
7. REMOVE EMERGENCY 1-TON RIPRAP FROM SHORELINE

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE SPECIFICATIONS AND STANDARD DRAWINGS OF THE CITY OF SAN DIEGO.

STANDARD SPECIFICATIONS

DOCUMENT NO.	DESCRIPTION
PWPIO1019-01	STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREENBOOK), 2018 EDITION
PWPIO1019-02	CITY OF SAN DIEGO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (WHITEBOOK), 2018 EDITION

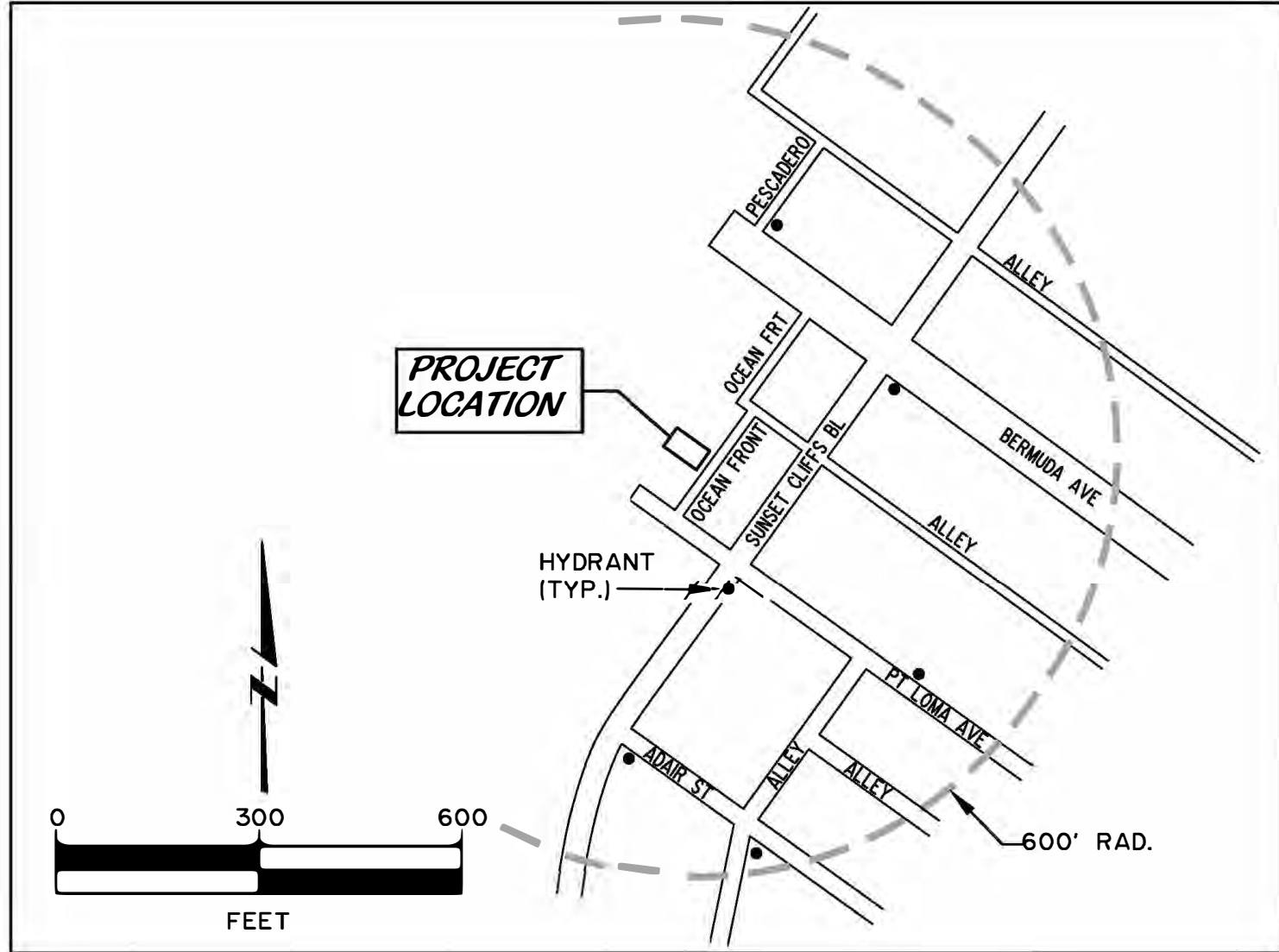
STANDARD DRAWINGS

DOCUMENT NO.	DESCRIPTION
PWPIO1019-03	CITY OF SAN DIEGO STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION, 2018 EDITION

LEGEND

EXISTING IMPROVEMENTS	STD. DWGS.	SYMBOL
PROPERTY LINE		---
CONTOUR		10
PROPOSED IMPROVEMENTS		
SECANT PILE WALL		⊗⊗⊗
TIEBACK		---
HYDROAUGER		---

FIRE HYDRANT LOCATION MAP



PRIVATE CONTRACT PLAN DATE: 04/12/2021

COASTAL DEVELOPMENT PLANS FOR:

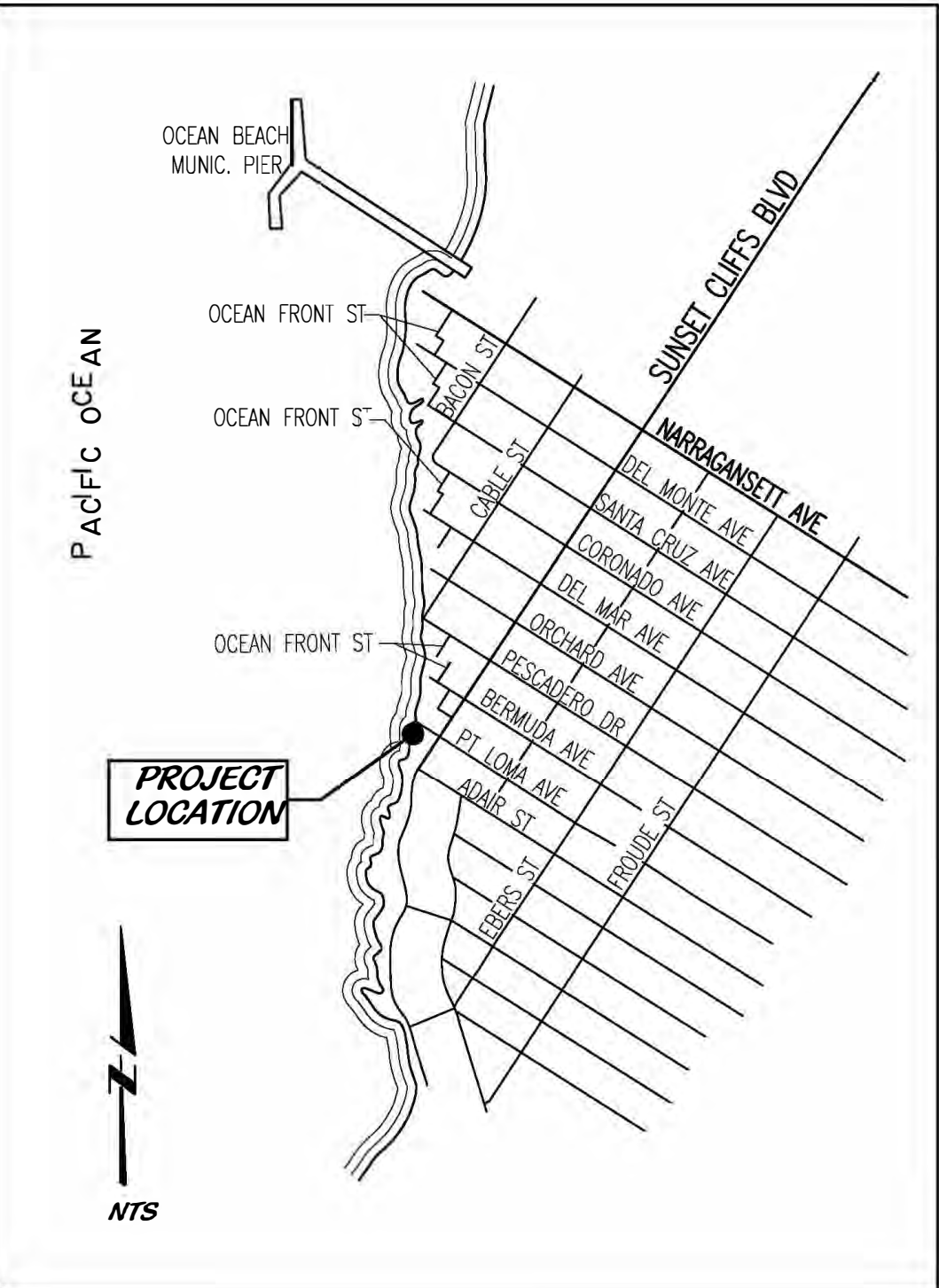
COASTAL BLUFF STABILIZATION
1370 SUNSET CLIFFS BLVD.

SHEET TITLE:

TITLE SHEET & NOTES

CITY OF SAN DIEGO, CALIFORNIA
DEVELOPMENT SERVICES DEPARTMENT
SHEET 2 OF 5 SHEETS

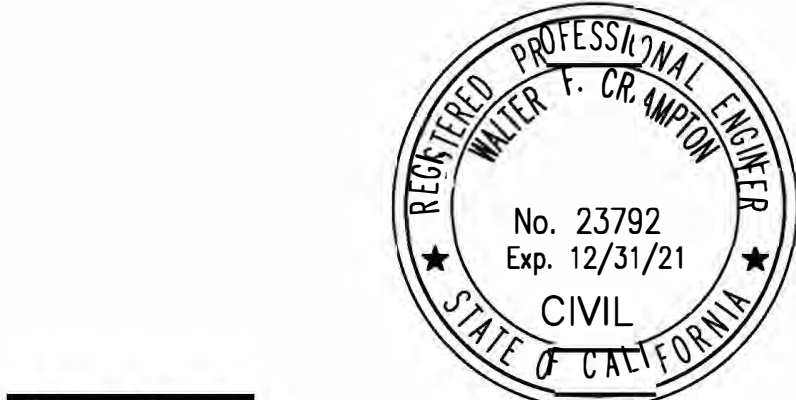
REV	DESCRIPTION	DATE	PROJECT NO.
			1849-6252
			NAD 83 COORDINATES
			208-1691
			--- LAMBERT COORDINATES ---
			DWG. NO.: C-1



VICINITY MAP
NOT TO SCALE

SHEET INDEX

SHT. NO.	DWG. NO.	DESCRIPTION
2	C-1	TITLE SHEET & NOTES
3	C-2	EXISTING / AS-BUILT SITE PLAN
4	C-3	PROPOSED REPAIR PLAN, WALL PROFILE & DETAILS
5	C-4	SECTIONS & DETAILS

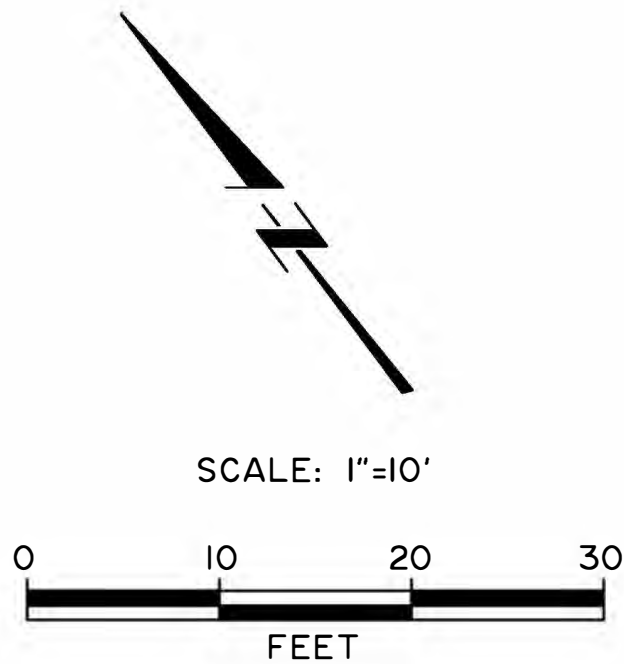


TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3890 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(858) 573-6900

SITE SAFETY

THE CONTRACTOR IS ADVISED THAT THE WORK TO BE PERFORMED IS IN A FLUCTUATING TIDAL ENVIRONMENT. ACCESS TO FOOTING AND BEDROCK BREACH IS ONLY AVAILABLE FOR SHORT PERIODS OF TIME DURING EXTREME LOW TIDES.

POINT LOMA AVENUE



**INN AT
SUNSET CLIFFS**

1370 SUNSET CLIFFS BLVD.
APN: 448-341-01-00

EXISTING 2 STORY
BUILDING

STAIRS

AREA OF
EXISTING
PLANTING

CONCRETE
VIEWING DECK
(TO BE
REMOVED)

AREA OF
EXISTING
PLANTING

WINDSCREEN WALL
(TO BE REMOVED)

DASHED LINES INDICATES AREA
OF 2019 EMERGENCY REPAIR
AND LIMITS OF DECOMPOSED
GRANITE SURFACE

KEYSTONE BLOCK FIREPIT
(TO BE REMOVED)

SLOPING CONCRETE
DECK (TO BE REMOVED)

KEYSTONE BLOCK
FIREPIT (TO BE
REMOVED)

GEOTUBES INSTALLED
AS A PART OF THE
EMERGENCY REPAIR
(TO BE REMOVED)

TEMPORARY RIPRAP TO BE
REMOVED ONCE WALL
CONSTRUCTION IS COMPLETED

AREA BEHIND GEOTUBES WAS
BACKFILLED WITH CLEAN SAND
GENERALLY BELOW ELEV. +13 FT. AND
DECOMPOSED GRANITE (DG) ABOVE
ELEV. +13 FT. (TO BE REMOVED)

EXISTING MONOLITHIC CONCRETE WALL/FOOTING
BELOW ELEV. +11 AND CMU WALL ABOVE ELEV.
+11 IN THE NORTHERN PORTION OF THE WALL
WHERE IT HAS NOT FAILED, TO BE REMOVED

EXISTING CONCRETE
STAIRWAY TO BE
RECONSTRUCTED

EXISTING OFFICE
BUILDING

SUNSET CLIFFS BLVD

SITE PLAN NOTES:

1. NO EASEMENTS EXIST AT PROJECT LOCATION
AND NONE ARE PROPOSED.

2. NO TRANSIT STOPS ARE LOCATED NEARBY
PROJECT LOCATION AND NONE ARE PROPOSED.

3. BUILDING ADDRESS NUMBERS ARE VISIBLE
FROM THE STREET FRONTING THE PROJECT
PROPERTY.

4. SEE SHEET 1 OF PLANS FOR FIRE HYDRANT
LOCATIONS WITHIN 600 FEET OF PROJECT.

EXISTING SITE PLAN WITH EMERGENCY REPAIRS

SCALE: 1"=10'



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3890 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(858) 573-6900

PRIVATE CONTRACT PLAN DATE: 04/12/2021

COASTAL DEVELOPMENT PLANS FOR:

**COASTAL BLUFF STABILIZATION
1370 SUNSET CLIFFS BLVD.**

SHEET TITLE:

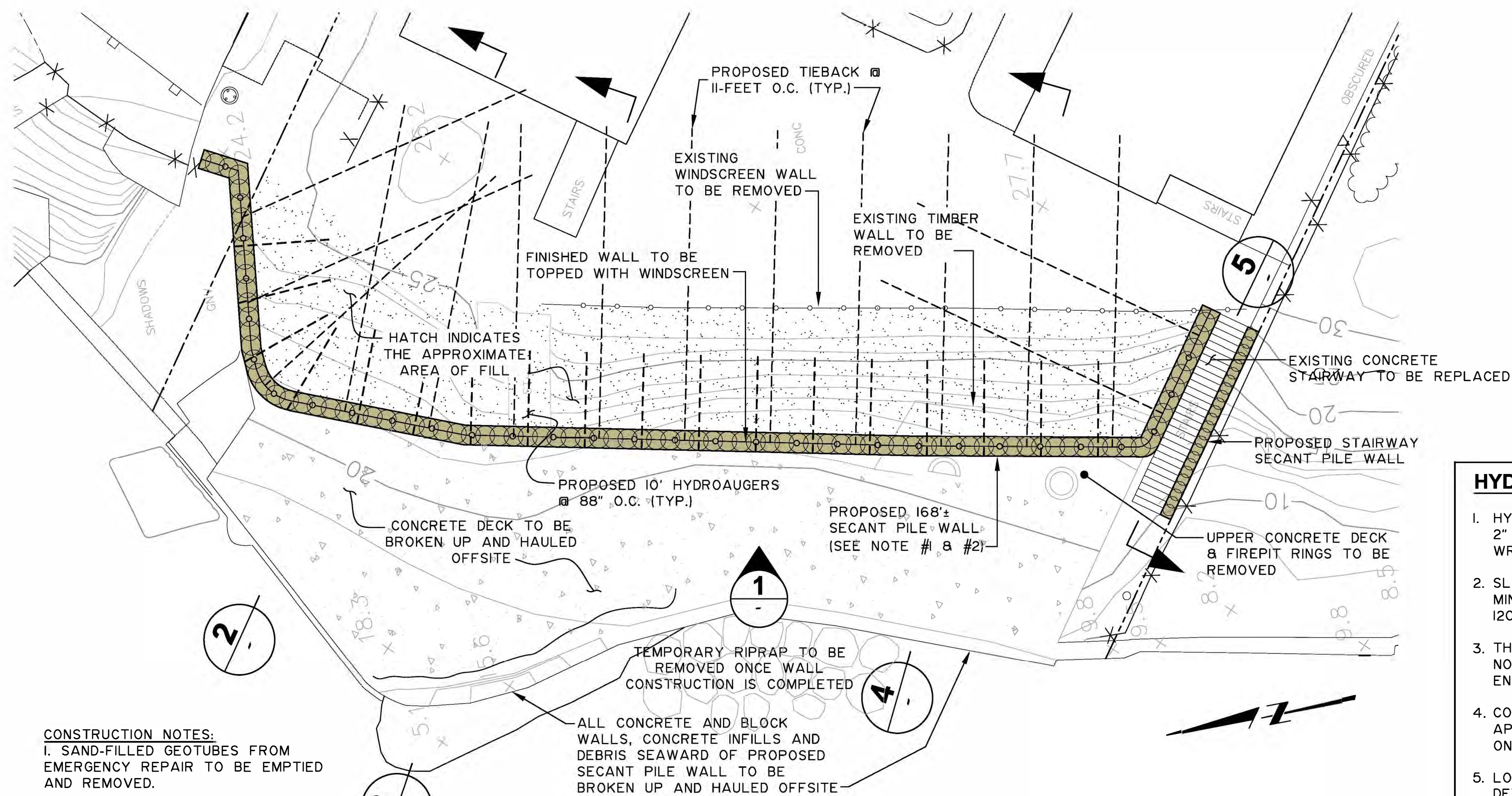
EXISTING / AS-BUILT SITE PLAN

CITY OF SAN DIEGO, CALIFORNIA
DEVELOPMENT SERVICES DEPARTMENT

SHEET 3 OF 5 SHEETS

PROJECT NO. _____

REV	DESCRIPTION	DATE	1849-6252
			NAD 83 COORDINATES
			208-1691
			LAMBERT COORDINATES
			DWG. NO.: C-2

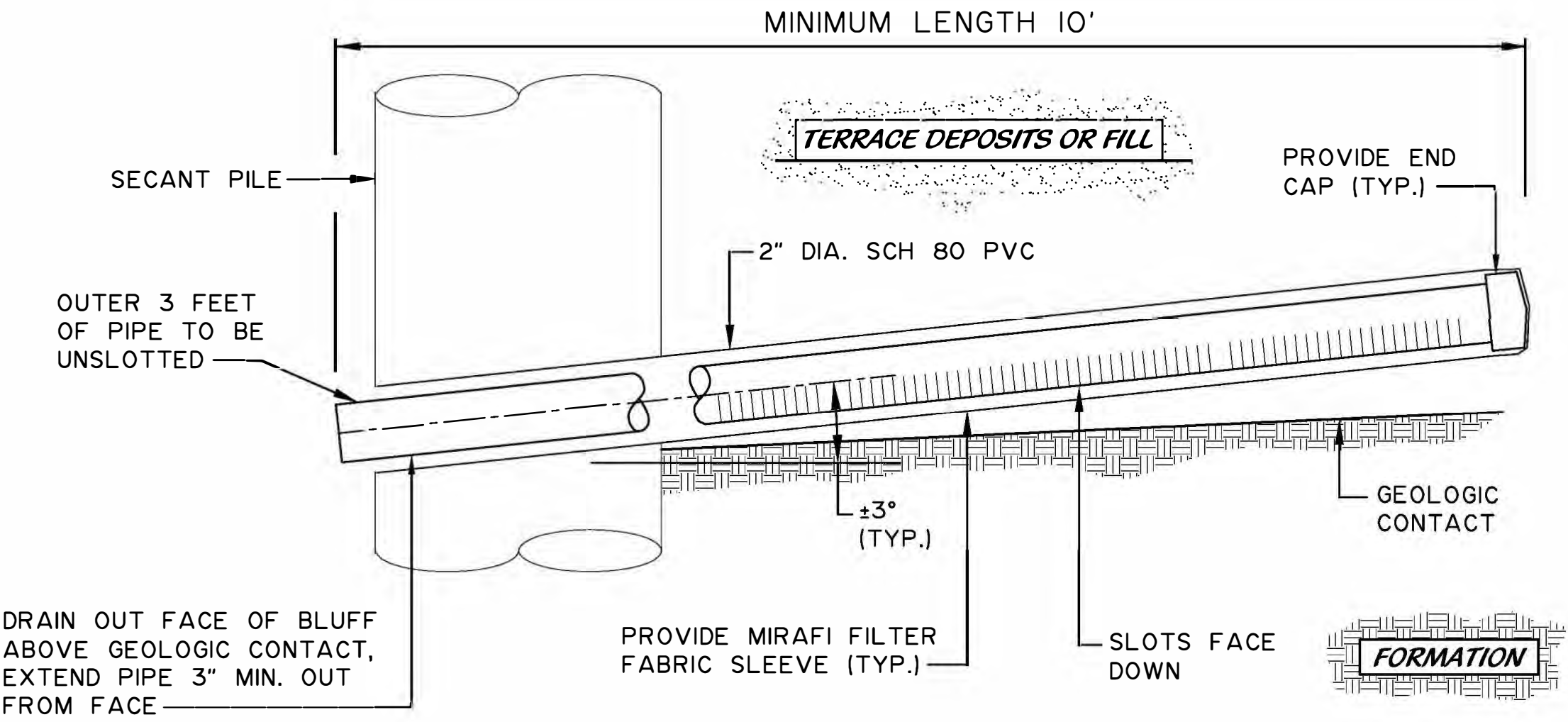


PROPOSED REPAIR-SITE PLAN

SCALE: 1"=10'

HYDRAUGER NOTES

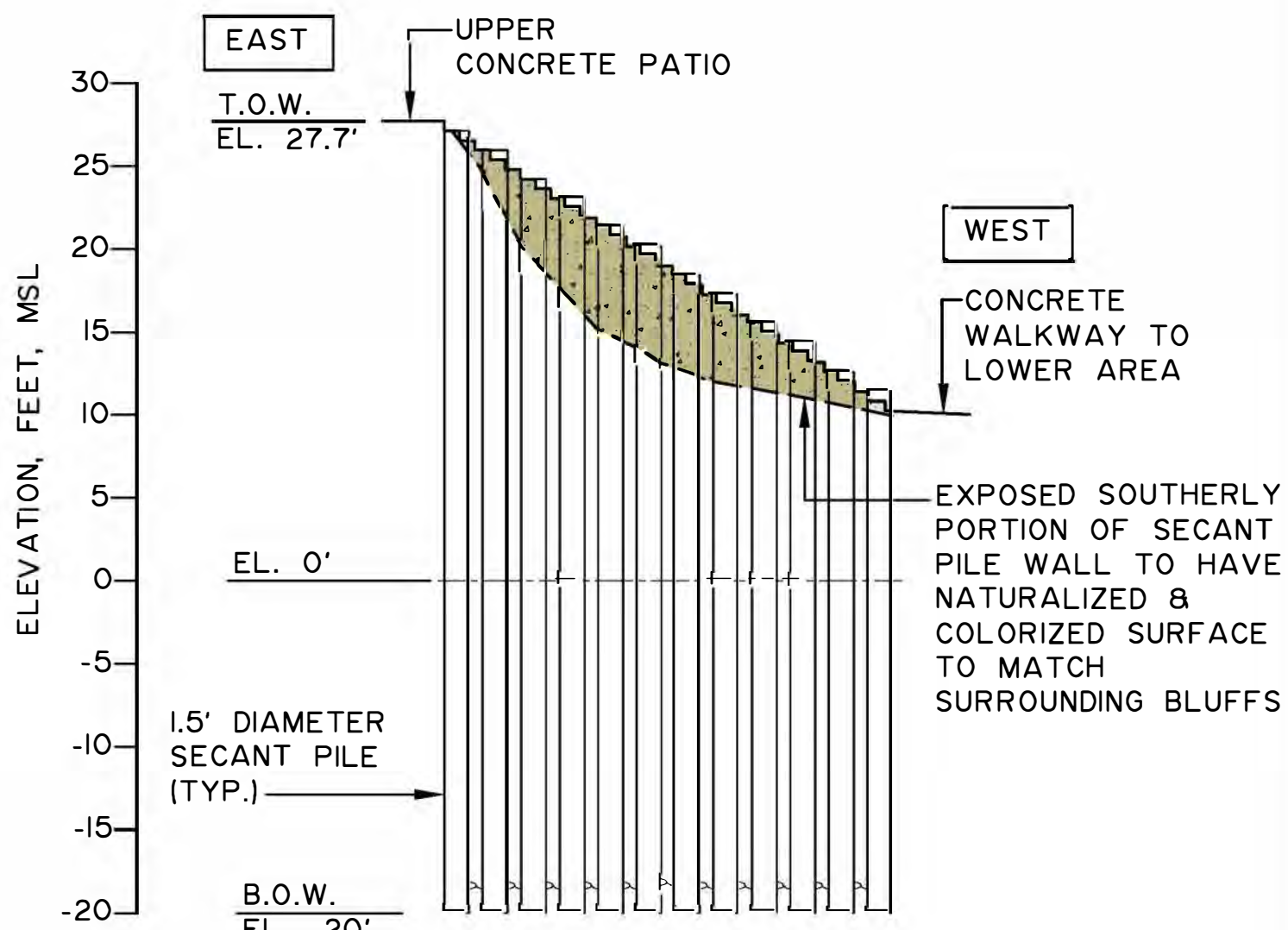
1. HYDRAUGERS SHALL CONSIST OF A SLOTTED 2" DIAMETER SCHEDULE 80 PVC WELL SCREEN WRAPPED WITH A GEOSYNTHETIC SOCK.
2. SLOT DIMENSIONS SHALL BE 0.02 INCH, ON MINIMUM 2-INCH SPACING COVERING A MINIMUM OF 120 DEGREES OF A 360 DEGREE CIRCUMFERENCE.
3. THE GEOSYNTHETIC SOCK SHALL CONSIST OF A NONWOVEN FABRIC SUCH AS MIRAFI 140N OR AN ENGINEER APPROVED EQUAL.
4. CONTRACTOR SHALL INSTALL HYDRAUGERS AT APPROXIMATELY 88" ON CENTER. SEE SITE PLAN ON SHEET C-4 FOR APPROXIMATE LOCATIONS.
5. LOCATION OF ALL HYDRAUGERS SHALL BE DETERMINED IN THE FIELD WITH OVERSIGHT BY A REGISTERED GEOLOGIST REPRESENTING THE ENGINEER OF RECORD.



TYPICAL HYDRAUGER DETAIL

NOT TO SCALE

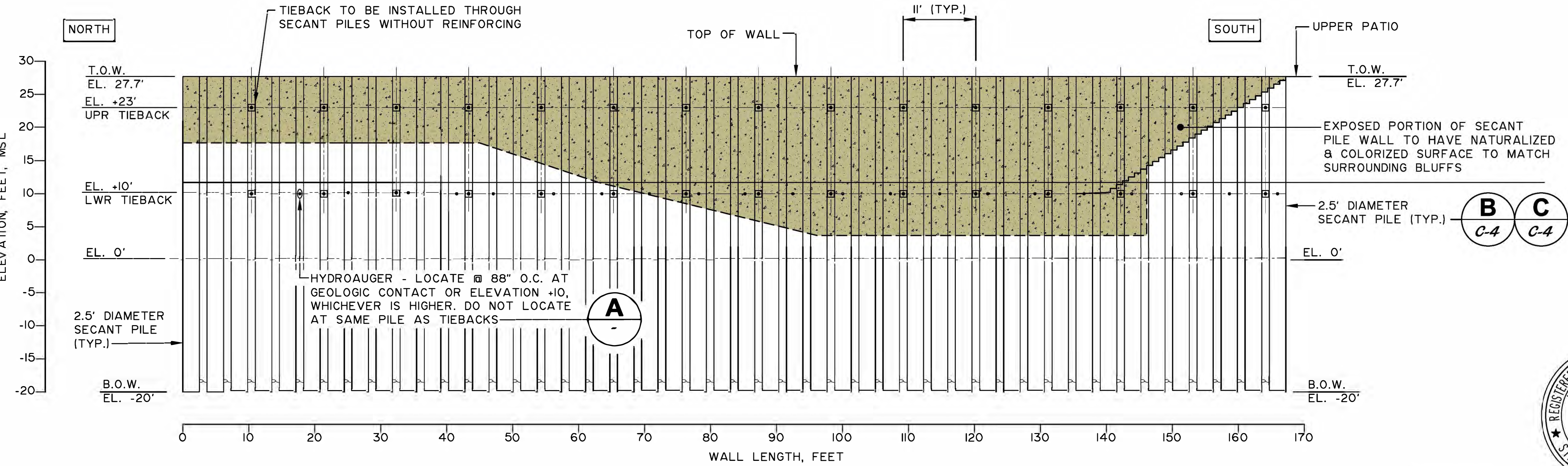
A



PROPOSED STAIR WALL PROFILE

SCALE: 1"=10'

5



PROPOSED WALL PROFILE
VIEWED FROM SEAWARD SIDE OF WALL

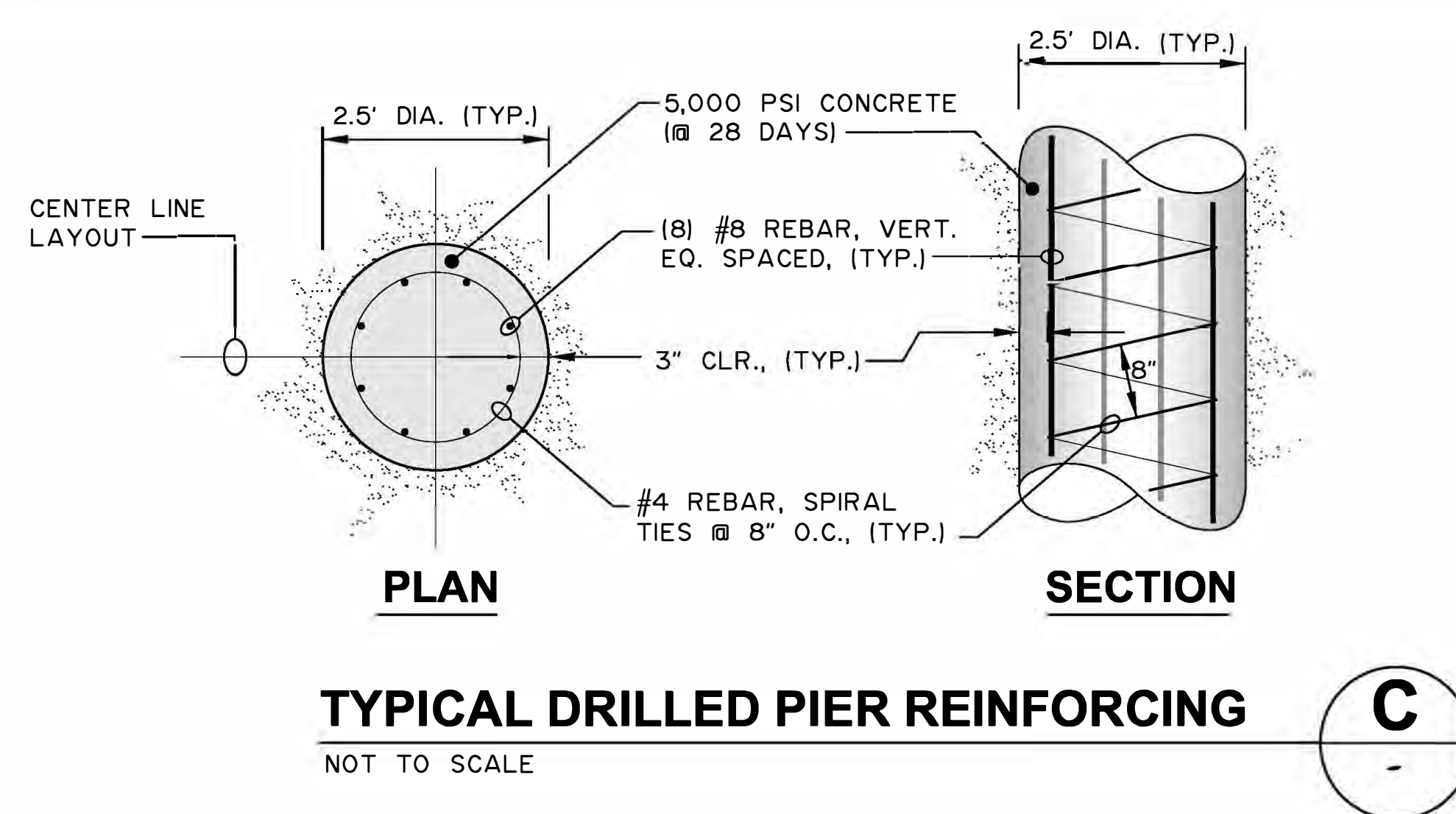
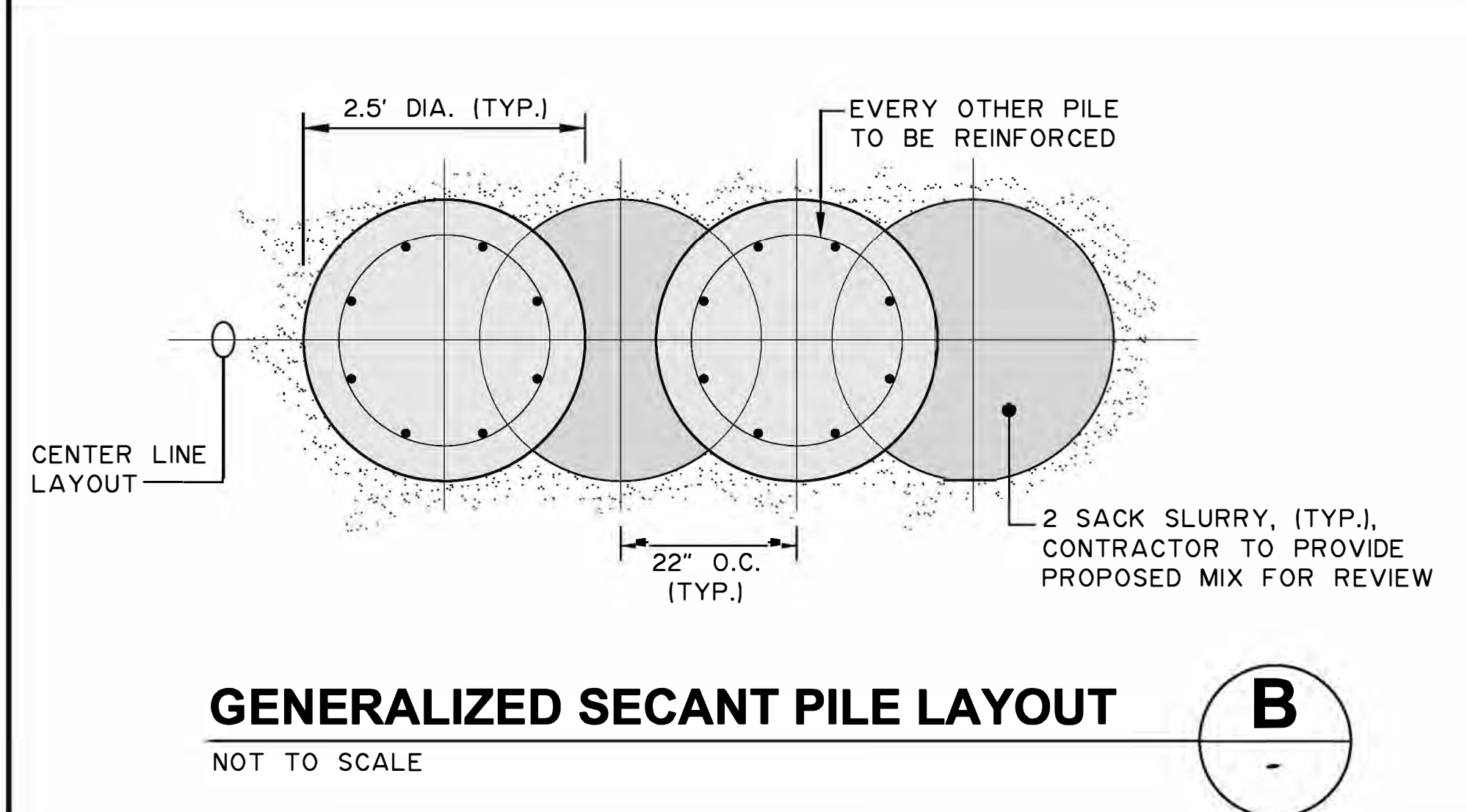
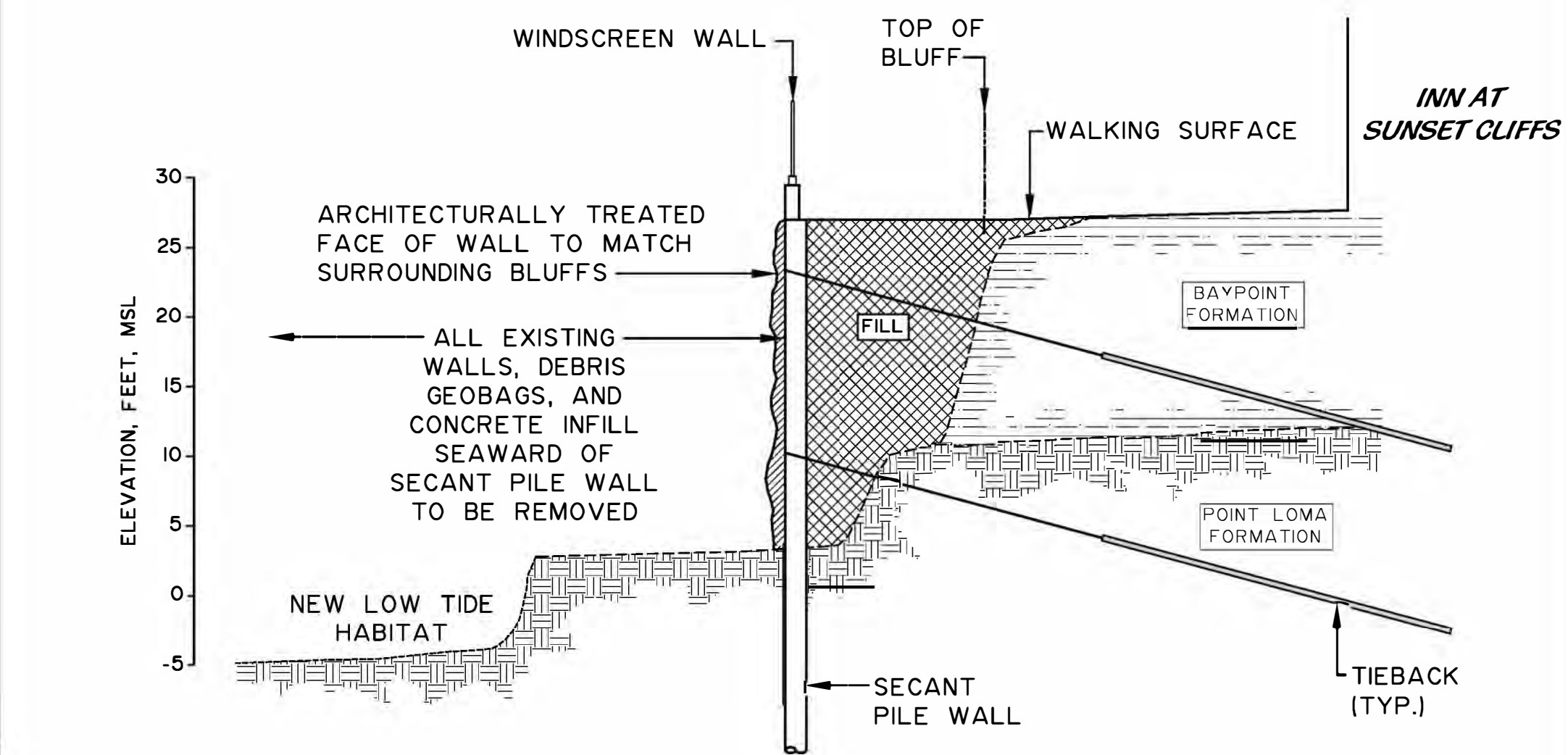
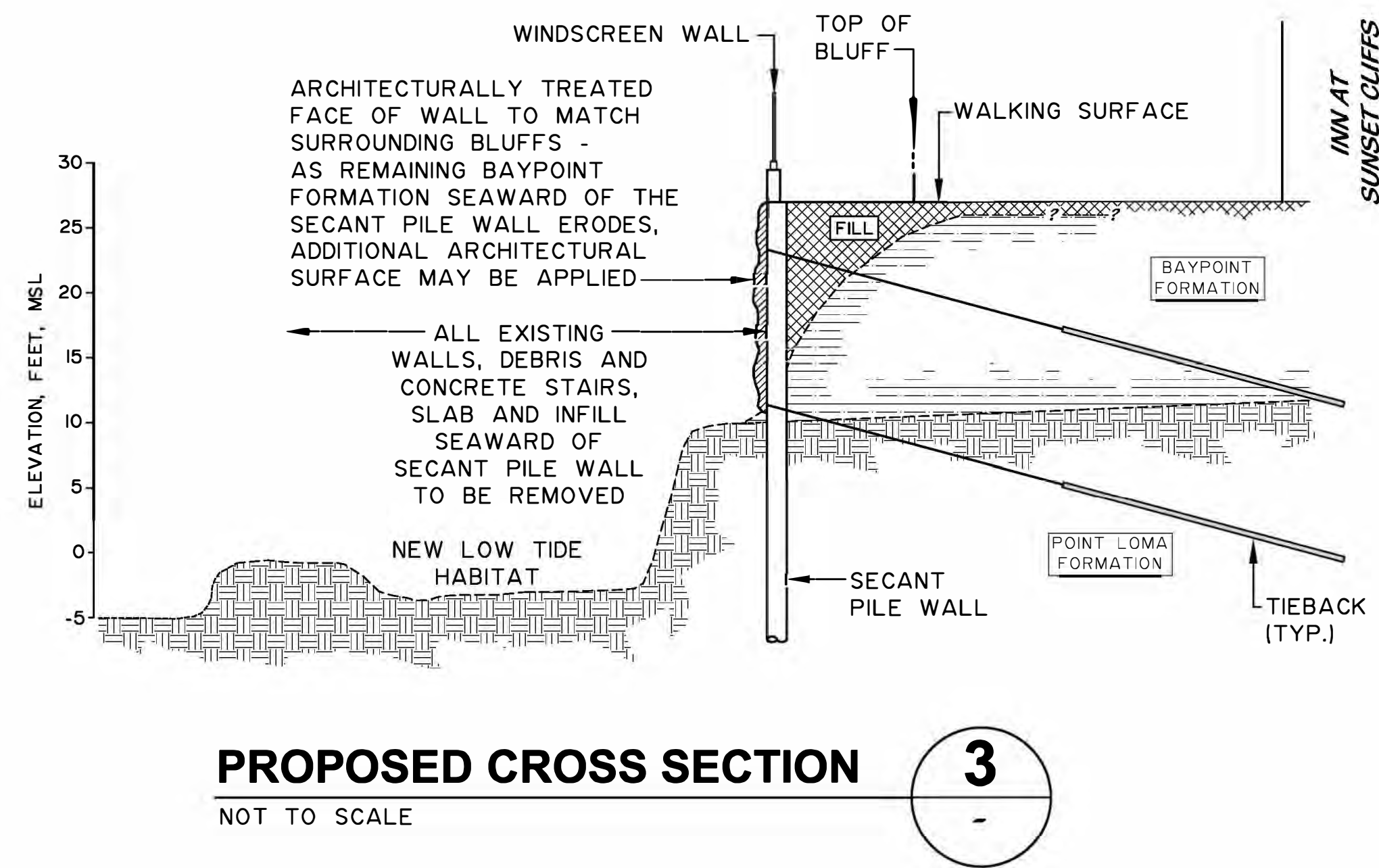
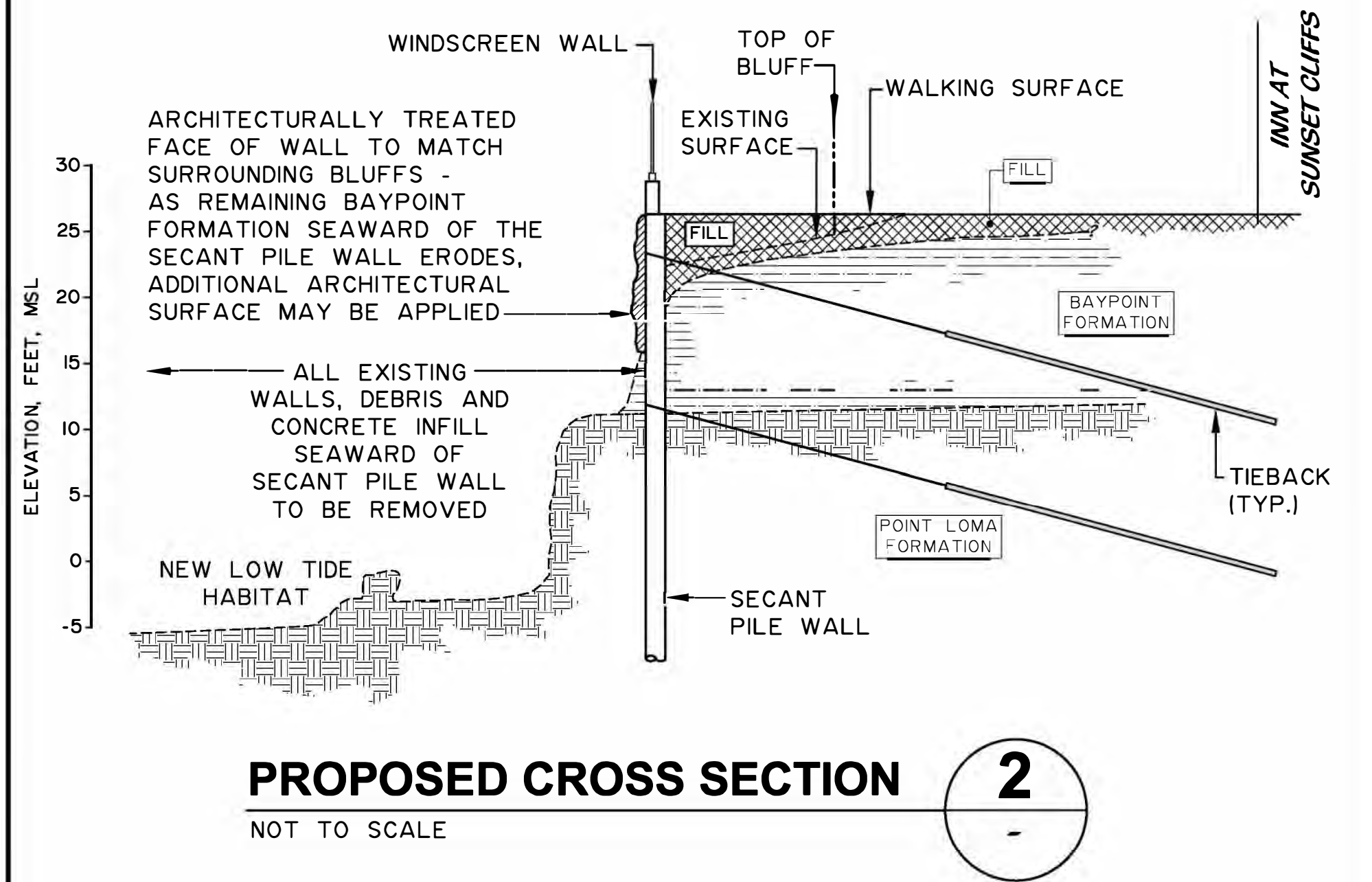
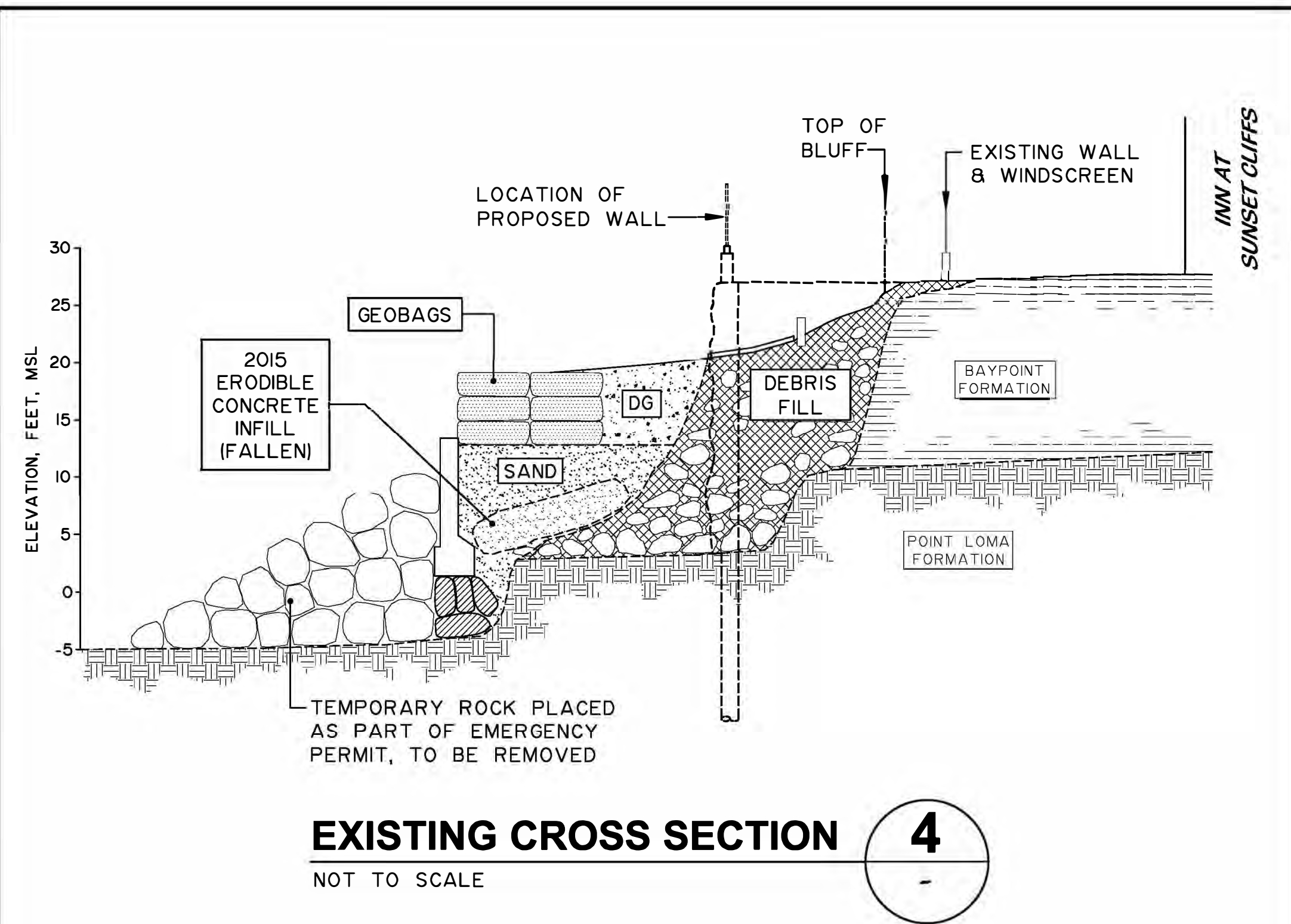
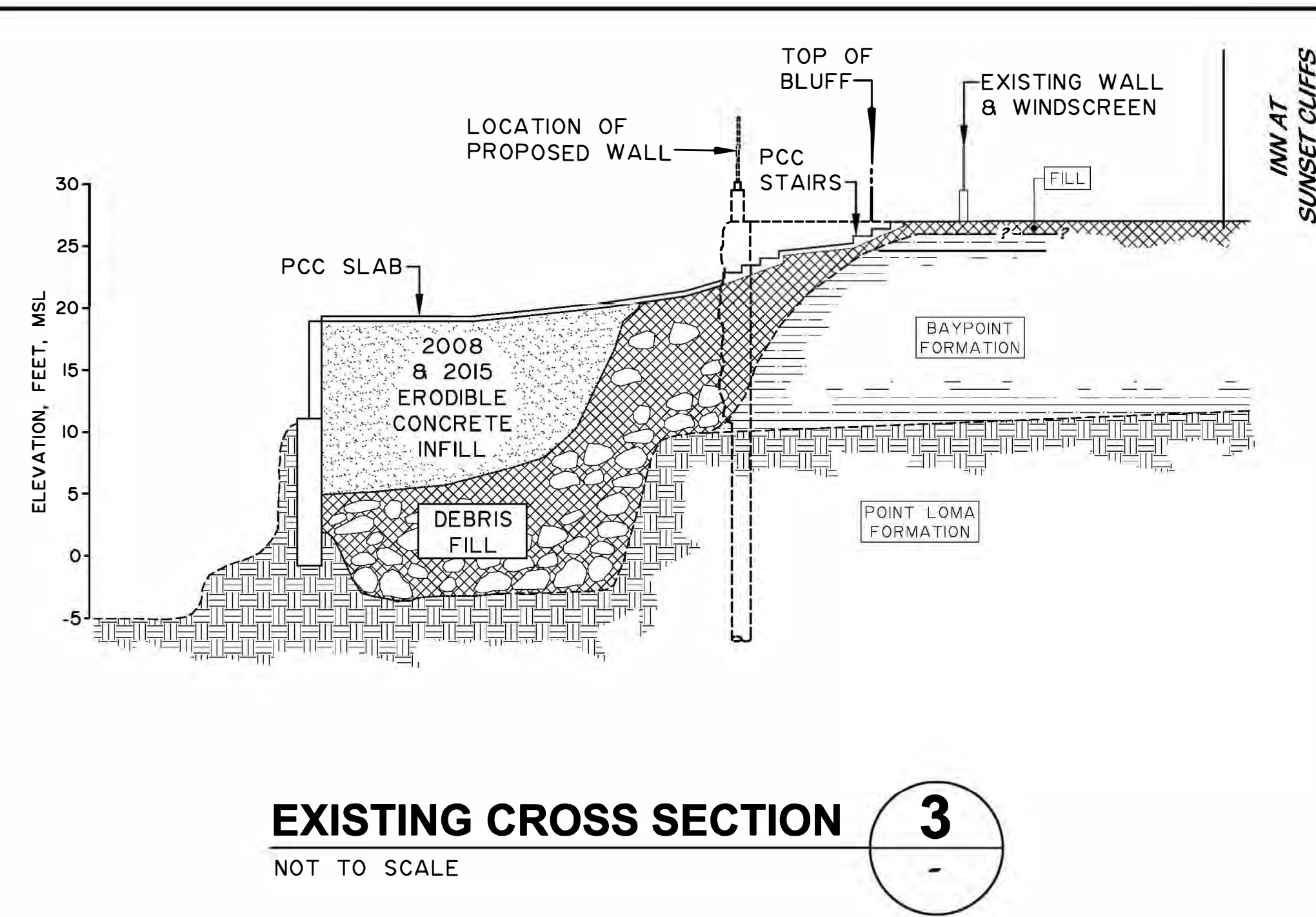
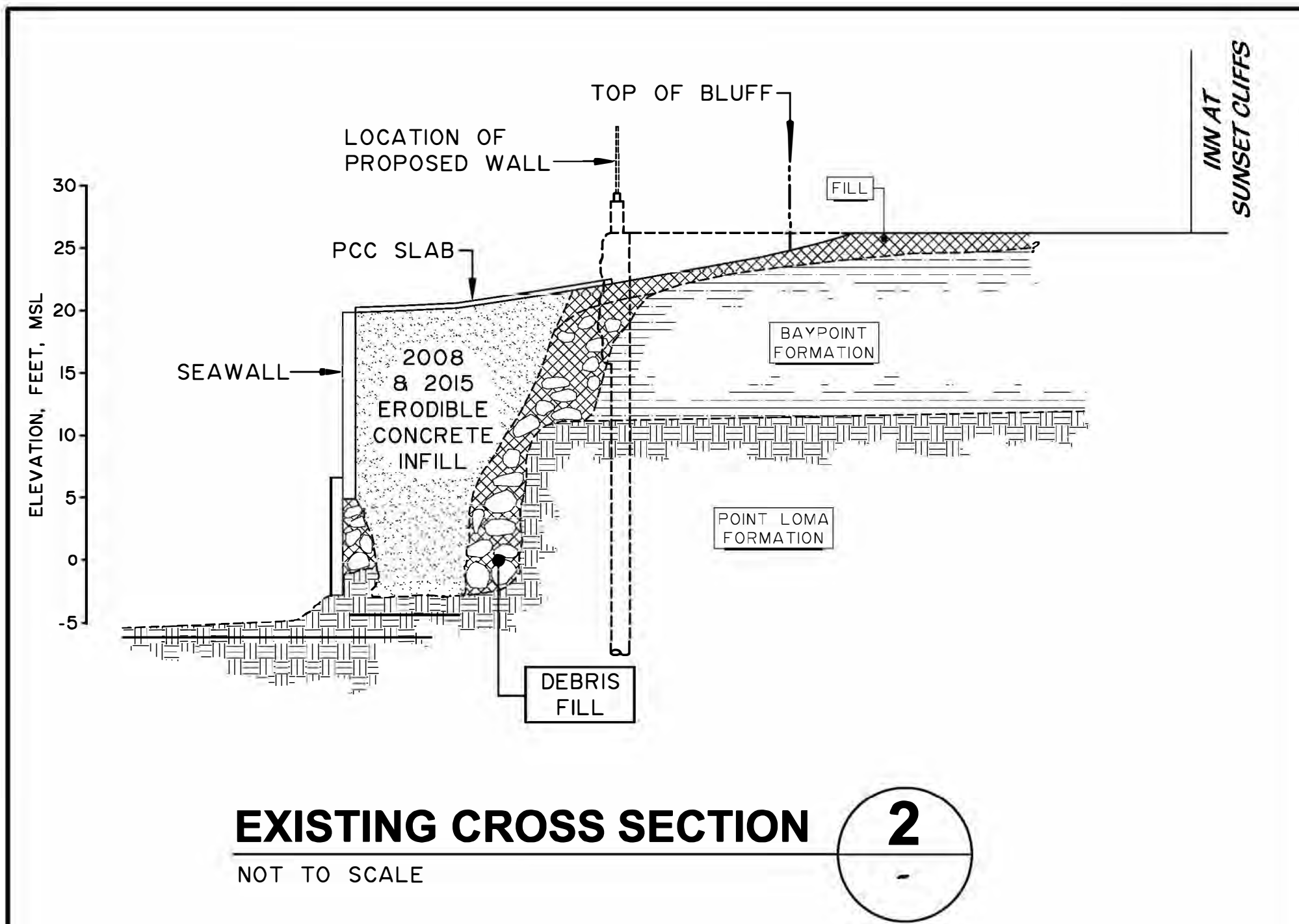
SCALE: 1"=10'


1



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ENGINEERS & GEOLOGISTS
3890 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(858) 573-6900

PRIVATE CONTRACT		PLAN DATE: 04/12/2021	
COASTAL DEVELOPMENT PLANS FOR:			
COASTAL BLUFF STABILIZATION 1370 SUNSET CLIFFS BLVD.			
SHEET TITLE:			
PROPOSED REPAIR PLAN, WALL PROFILE & DETAILS			
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT		PROJECT NO. _____ NAD 83 COORDINATES 208-1691 LAMBERT COORDINATES DWG. NO.: C-3	
SHEET 4 OF 5 SHEETS			
REV	DESCRIPTION	DATE	





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ENGINEERS & GEOLOGISTS
3890 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(858) 573-6900

PRIVATE CONTRACT		PLAN DATE: 04/12/2021	
COASTAL DEVELOPMENT PLANS FOR:			
COASTAL BLUFF STABILIZATION 1370 SUNSET CLIFFS BLVD.			
SHEET TITLE:			
SECTIONS & DETAILS			
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT		PROJECT NO. _____	
SHEET 5 OF 5 SHEETS		DATE	
REV	DESCRIPTION	DATE	1849-6252
			NAD 83 COORDINATES
			208-1691
			LAMBERT COORDINATES
			DWG. NO.: C-4