

(R-93-666)

RESOLUTION NUMBER R- 280966

ADOPTED ON OCT 27 1992

WHEREAS, S. D. Malkin Harbor Partners, L.P., and Catellus Development Corporation, Owners/Permittees, filed an application for a Coastal Development Permit to develop property located within the Marina Sub Area of the Centre City Redevelopment Project and the Centre City Community Planning area, described as all of Block 31 of New San Diego in the City of San Diego, County of San Diego, State of California, according to the map thereof No. 456 made by Gray and Johns and filed in the office of the San Diego County Recorder together with that portion of California Street as closed and vacated to public use by City of San Diego Council Resolution No. R-268084 adopted April 7, 1987, in the City of San Diego, County of San Diego, State of California; and

WHEREAS, the matter was set for public hearing on October 27, 1992, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Coastal Development Permit No. 92-0593 pursuant to Municipal Code sections 105.0200 and 103.2007:

1. That the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local

Coastal Program ("LCP") Land Use Plan; the proposed development has been designed and so sited as to minimize the obstruction of views to and along the ocean and other scenic coastal areas from public vantage points.

2. That the proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. That the proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Municipal Code section 101.0462, unless by the terms of the Resource Protection Ordinance it is exempted therefrom.

4. That the proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

5. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

6. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

7. That the proposed development will be visually compatible with the character of surrounding areas, and where

feasible, will restore and enhance visual quality in visually degraded areas.

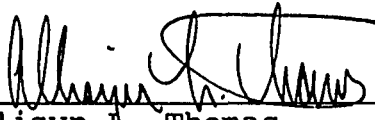
8. That the proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

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

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 92-0593 is granted to S. D. Malkin Harbor Partners, L.P., and Catellus Development Corporation, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
Allisyn D. Thomas  
Deputy City Attorney

ALT:lc  
10/16/92  
Or.Dept:CCDC  
R-93-666  
Form=r.permit

COASTAL DEVELOPMENT PERMIT NO. 92-0593  
101 CALIFORNIA  
PLANNING COMMISSION/CITY COUNCIL

This Coastal Development Permit is granted by the City Council of the City of San Diego to S. D. Malkin Harbor Partners L. P. and Catellus Development Corporation, Owner/Permittee, pursuant to Section 105.0201 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a Coastal Development located on the block bounded by "G" Street, Kettner Boulevard, Harbor Drive and California Street described as all of Block 31 of New San Diego in the City of San Diego, County of San Diego, State of California, according to the map thereof No. 456 made by Gray and Johns and filed in the Office of the San Diego County Recorder together with that portion of California Street as closed and vacated to public use by City of San Diego Council Resolution No. R-268084 adopted April 7, 1987 in the City of San Diego, County of San Diego, State of California, in the Mixed-Use Residential Emphasis Zone.

2. The facility shall consist of the following:

- a. Approximately 344,850 gross square feet of residential use containing approximately 193 condominium units;
- b. Landscaping;
- c. Off-street parking; and
- d. Incidental accessory uses consistent with the Marina Planned District Ordinance.

3. Approximately 370 off-street parking spaces shall be maintained on the property. Parking spaces shall comply with Division 8 of the Zoning Regulations of the Municipal Code.

4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department; and
- b. The Coastal Development Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Executive Vice President of Centre City Development Corporation (CCDC) for approval. Plans shall be in substantial conformity to the Basic Concept/Schematic Drawings dated September 4, 1992 on file in the office of CCDC. No change, modifications or alterations shall be made unless approved by the Executive Vice President of CCDC.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Executive Vice President of CCDC for approval. The Plans shall be in substantial conformity to the Basic Concept/Schematic Drawings dated September 4, 1992, on file in the office of CCDC. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

7. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit.

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

9. This Coastal Development Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and development of the property shall be subject to meeting the Conditions of Approval contained in Exhibit A of the concurrently issued Marina Planned District Permit.

10. All mitigation measures listed in the Environmental Secondary Study of September 25, 1992 are incorporated as conditions within this permit by reference.

11. Unless appealed, this Coastal Development Permit shall become effective on the eleventh day following the decision of the City Council.

12. This Coastal Development Permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.

13. This Coastal Development Permit incorporates the Marina Planned District and Marina Planned District Exception Permits and shall not be valid until the Coastal Development Permit becomes effective.

APPROVED by the City Council of the City of San Diego on October 27, 1992.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk  
The City of San Diego

STATE OF CALIFORNIA )  
                                  ) ss.  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

S. D. MALKIN HARBOR PARTNERS, L.P.  
Owner/Permittee

By \_\_\_\_\_  
CATELLUS DEVELOPMENT CORPORATION  
Owner/Permittee

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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R-280966

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SAN DIEGO, CA

OCT 27 1992

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

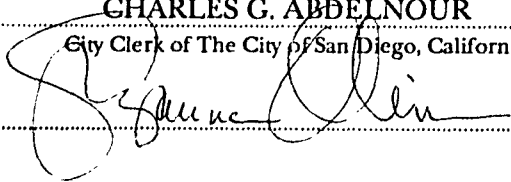
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution R-38,096 Adopted OCT 27 1992  
 Number ..... Adopted .....



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POST OFFICE  
SAN DIEGO, CA