

RESOLUTION NO. 288219

ADOPTED DECEMBER 3, 1996

WHEREAS, RAYMOND KNOWLES, an Individual, Owner, and P.T.R. HOMESTEAD VILLAGE INCORPORATED, a Maryland Corporation, Permittee, filed an application to develop a Planned Commercial Development, HOMESTEAD VILLAGE, described as a portion of Lot 1 of Mira Mesa Business Park, according to Map No. 11188 filed March 28, 1985 located in the Mira Mesa Community Plan area in the CV Zone; and

WHEREAS, on December 3, 1996, the City Council of The City of San Diego considered Planned Commercial Development Permit 96-0336 pursuant to Section 101.0910 of the Municipal Code of The City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, that the City Council adopts the following findings:

- a. **The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan.**

The proposed hotel is consistent with the General Plan of the City of San Diego and the Mira Mesa Community Plan. The proposed hotel is an allowed use in the Commercial Visitor (CV) Zone. The Planned Commercial Development Permit 96-0336, through the conditions of approval, will not adversely affect the General Plan or the Mira Mesa Community Plan.

Development of this site with a hotel use will fulfill individual and community need by creating jobs. These jobs will add to the employment base of the Community and City. Also, the market analysis performed for this application has determined a need exists in the area for this type of commercial facility. Both the current and future market will support the proposed development. In addition, the proposed development will be of benefit to the community and City by creating an urban infill project, providing landscaping in accordance with City

regulations resulting in positive affects for the community, and will increase the tax base of the City.

- b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.**

The Planned Commercial Development Permit contains conditions which will protect the general public against adverse affects from the implementation of the proposed project. The hotel use, eight foot diameter satellite dish antenna and the overall site development is consistent with the CV zone of the Municipal Code. The proposed project would conform with the development standards and regulations of the Municipal Code to assure that there will be no adverse affects to health, safety and general welfare of persons and property in the vicinity.

- c. The proposed use will comply with the relevant regulations in the Municipal Code.**

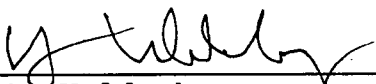
The proposed project will comply with all the relevant regulations in the Municipal Code which are applicable for this development. Conformance with the Municipal Code is required for the proposed design of the hotel, the continued operation of the hotel, satellite dish receiving antenna and the overall site development at all times. The proposed project has been thoroughly reviewed and determined to comply with the regulations of the Municipal Code. Continued conformance will be further assured by the conditions of approval included in the Planned Commercial Development Permit.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Planned Commercial Development Permit 96-0336, is hereby granted to Owner/Permittee in the form and with the terms and conditions set forth in Planned Commercial Development Permit 96-0336, a copy of which is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, CITY ATTORNEY

By



Harold O. Valderhaug
Deputy City Attorney

HOV:cdk
12/12/96
Or.Dept.:Clerk
Case #96-0336
R-97-675
Reviewed by John Fisher

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED COMMERCIAL DEVELOPMENT PERMIT 96-0336
HOMESTEAD VILLAGE
CITY COUNCIL**

This Planned Commercial Development Permit is granted by the Council of The City of San Diego to RAYMOND KNOWLES, an individual, Owner, and P.T.R. HOMESTEAD VILLAGE INCORPORATED, a Maryland corporation, Permittee, pursuant to Section 101.0910 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee, to construct a Planned Commercial Development 140-room "limited service" hotel facility and implement associated improvements (as described herein) on a portion of a vacant 6.84-acre site located at the southwest corner of Mira Mesa Boulevard and Pacific Heights Boulevard. The project site is identified as Lot 1 of Tentative Parcel Map 96-0336 and legally described as a portion of Lot 1 of Mira Mesa Business Park, Map 11183 filed March 28, 1985, in the Commercial Visitor (CV) Zone.

2. The permit shall consist of the following facilities and site improvements as identified by size, dimension, location and quantity on the associated Exhibits "A" approved for the project, dated December 3, 1996, on file in the office of the Development Services Department:

- a. Three detached two story lodging structures consisting of a total 140 "limited service" hotel rooms; and
- b. Landscaping within the public right-of-way and on the private property and a permanent underground electrically controlled automated irrigation systems; and
- c. Off-street surface parking facilities (refer to Condition 7);
- d. Entry monument, temporary and permanent signage;
- e. Central check-in/administration center and commercial

- laundry facility for housekeeping;
- f. Coin operated laundry facilities for guest use only;
 - g. An eight foot diameter satellite dish antenna;
 - h. Improvements in the public right-of-way;
 - i. Pedestrian improvements within the property as detailed on the plans; and
 - j. Accessory improvements determined by the City Manager to be consistent with the development standards and criteria in effect for this site per the existing CV Zone, the Mira Mesa Community Plan, State CEQA Guidelines, the City-Wide Landscape Regulations and Landscape Technical Manual, the Planned Commercial Development Ordinance.

3. ENVIRONMENTAL MITIGATION MONITORING AND REPORTING PROGRAM REQUIREMENTS:

The applicant shall be required to provide measures that will insure that the interior noise level of the proposed buildings complies with the City of San Diego's General Plan standards for noise. The General Plan standards limit interior noise levels to no more than 45 decibels (dB{A}), Community Noise Equivalent Level (CNEL). This can be achieved by incorporating the following measures into the design and construction of the project:

- a. Roof ceiling construction will be mission tile on 1/2 inch plywood. R-19 insulation will be installed in joist spaces. The ceilings will be one layer of 5/8 inch gypsum board nailed direct.
- b. Exterior wall shall be 2x4 studs, 16 inch o.c. with R-11 insulation. Interiors will be 5/8 inch gypsum board nailed direct. Exteriors will be a minimum of 7/8 inch exterior cement plaster.
- c. All windows in all buildings shall be glazed with STC 30 assemblies.
- d. All entry doors should be 1&3/4 inch solid core flush wood doors with vinyl bulb weatherstripping on the sides and top. Panel doors with panels less than 1&3/4 inch should not be accepted. Glazing in entry doors should not be accepted.
- e. There should be no openings or mail slots in the entry doors.

- f. Any optical viewing devices installed in the entry doors should be the same thickness as the doors. The holes for these devices should be sized so that there is not more than 1/16 inch clearance between the device and the door. The viewing device should be installed in a film of non-hardening sealant that completely fills the clearance between the device and the door. Acceptable sealants are 1) G.E. Silicone; 2) U.S. Gypsum Acoustical Sealant; 3) Tremco Acoustical Sealant or approved equal.
- g. There shall be no ventilation openings in the exterior walls or roof/ceilings without approved acoustical baffles.
- h. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system shall be provided. Such system shall be capable of providing two air changes per hour in guest rooms, habitable rooms and in public corridors with a minimum of 15 cubic feet per minute of outside air per occupant during such time as the building is occupied. The mechanical ventilation shall be provided by through-the-wall air-conditioning units. A minimum of 16 cfm of fresh air take shall be supplied per occupant in accordance with Section 1205(C) of the 1994 edition of the California State Uniform Building Code (UBC).

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

4. No permit for grading or building of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Owner and Permittee signs and returns the permit to the Development Services Department;
- b. The Planned Commercial Development Permit is recorded in the Office of the County Recorder.

5. The Planned Commercial Development Permit shall comply with the conditions of the Final Map for Tentative Parcel Map 96-0336.

6. Only the uses enumerated in this permit shall be permitted to operate on the property. Permission to operate uses not listed in this permit requires an amendment to this Planned Commercial Development Permit.

7. No fewer than 154 off-street parking spaces shall be provided on the property in the approximate location shown on Exhibit "A," dated December 3, 1996, on file in the office of the Development Services Department. Parking spaces shall be consistent with San Diego Municipal Code Section 101.0800 and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Development Services Department standards. Parking areas shall be marked.

8. Prior to the issuance of any building permits, a Parcel Map consistent with Tentative Parcel Map 96-0336 shall be recorded on the subject property.

9. Prior to the issuance of any building permits, the Owner/Permittee shall reimburse the City of San Diego, Mira Mesa Landscape Maintenance District, \$11,260.98 for the landscaping of the median in Pacific Heights Boulevard.

10. Prior to the issuance of any building permits, the Owner/Permittee shall indicate on the construction drawings provisions to accommodate one proposed bus stop/shelters by maintaining a ten foot wide sidewalk measured from the back of the curb extending for twenty-five feet parallel to the curb on Mira Mesa Boulevard approximately 45 feet east of the southeast curb return at the intersection of Mira Mesa Boulevard and Pacific Heights Boulevard. The ten-foot sidewalk shall be free of any barriers such as, but not limited to, landscaping or any other barrier.

11. Prior to the issuance of any building permits, complete grading, signage, landscaping and building plans shall be submitted by the Owner/Permittee to the Development Services Manager for approval. All plans shall be in substantial conformity to Exhibit "A", dated December 3, 1996, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this permit shall have been granted.

12. Prior to the issuance of any building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A", dated December 3, 1996, Landscape Concept Plan, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

13. Prior to the issuance of any grading permits, a note shall

be placed on the grading plans indicating a temporary hydroseed mix, together with a temporary irrigation system, shall be applied and installed to all disturbed areas of the property if construction of buildings on the parcels is not begun within ninety (90) days from the completion of the grading activity.

14. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Owner/Permittee to perform the following:

- a. Obtain a NO FEE STREET TREE PERMIT for all street trees in the public right-of-way from the Transportation Department, Streets Division, Street Tree Section.
- b. Install all approved landscape and obtain all required landscape inspections.
- c. If transfer of this property is to occur, prior to any transfer of ownership, the Owner/Permittee must notify and obtain signatures on a no fee street tree permit from any subsequent property owner. Copies of these approved documents must be submitted to the City Manager.

15. If any existing or installed landscape indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Owner/Permittee. Three years from the date of occupancy, the replacement size for all damaged, dead or removed plant material shall be an equivalent size of the specific plant at the time of damage, death or removal to the satisfaction of the City Manager. Prior to three years from the date of occupancy, the replacement size shall be the same size as the original installation as indicated on the building permit set of drawings.

16. All approved landscape shall be maintained in a disease, weed and liter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severely pruning or "topping" of trees is not permitted unless specifically noted in this permit.

17. Prior to the issuance of any building permits, the Owner/Permittee shall:

- a. Ensure that building address numbers are visible and legible from the street in conformance with the Uniform Fire Code Section 901.44.
- b. Show the location of all existing fire hydrant(s) nearest this property on the plot or site plan in

conformance with Fire Department Policy #F-85-1 and the Uniform Fire Code Section 903.2.

- c. Provide access in conformance with Fire Department Policy A-93-1 in accordance with Uniform Fire Code Section 901 and 902.
- d. Provide post indicator valves, fire department connections and alarm bell to be located on the address/access side of the structure in accordance with Uniform Fire Code 1000.4.
- e. Provide adequate signage and/or traffic control measures to ensure secondary access at Mira Mesa Boulevard indicating "Emergency Vehicle Access Only", all satisfactory to the Fire Department.

18. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and/or a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, fixture model name and number; including all necessary shields, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than two footcandles. Light levels throughout the planned commercial development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding seventeen footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may required additional fees as determined by the Development Services Manager.

19. Prior to the issuance of any occupancy permit, the

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

20. The drainage system proposed for this development, as shown on the approved Tentative Parcel Map and Site Plan, is subject to approval by the City Engineer.

21. The permit must be utilized within 36 months after the effective date. Recordation of the Parcel Map, pursuant to Tentative Parcel Map 96-0336, on Lot 1 of Mira Mesa Business Park, Map 11188 filed March 28, 1985 shall establish utilization of this permit.

22. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

23. After establishment of the project or utilization of the permit, the property shall not be used for any other purpose unless an amendment to this Planned Commercial Development Permit is approved or this permit has been revoked by the City.

24. This Planned Commercial Development Permit may be revoked if there is any material breach or default in any of the conditions of this permit. Revocation may be instituted by the City of San Diego. Cancellation of this permit by the Owner/Permittee is not allowed.

25. This Planned Commercial 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.

26. Permanent and/or temporary signs shall be approved by the Development Services Manager and shall be consistent with the criteria established by the Homestead Village Sign Program, Exhibit "A," dated December 3, 1996.

27. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Manager, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

28. The Owner/Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

29. No merchandise, material or equipment shall be stored on the roof of any building on site.

30. Conversion of the "limited service" lodging facility on this site to a residential (i.e. apartment or condominium) land use will require discretionary approval of an amendment to this Permit, a corresponding rezone from CV to multi-family residential, and associated amendments to the Mira Mesa Community Plan.

31. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the Owner of the property which is the subject of this Permit be allowed the special and extraordinary rights conveyed by this permit, but only if the Owner complies with all the conditions of this permit.

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

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

APPROVED by Council of The City of San Diego on December 3, 1996, by Resolution No. R-288147.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

Raymond Knowles, an individual,
Owner

By _____

P.T.R. Homestead Village
Incorporated, a Maryland
corporation,
Permittee

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
12/06/96