

(R-98-161)

RESOLUTION NUMBER R-289014

ADOPTED ON JULY 29, 1997

WHEREAS, Homestead Village Incorporated, a Maryland corporation, Permittee, filed an application to develop a Planned Commercial Development, Homestead Village Rancho Bernardo, located on the east side of West Bernardo Drive, between West Bernardo Court and Bernardo Center Drive, and bounded on the east by the Interstate 15 Freeway, and is described as a portion of Lot 12 of Bernardo Industrial Park Unit No. 9, according to Map No. 6513 filed October 16, 1969, located in the Rancho Bernardo Community Plan area, in the Commercial Visitor (CV) zone; and

WHEREAS, on July 3, 1997, the Planning Commission of The City of San Diego (the "Planning Commission") recommended that the City Council approve Planned Commercial Development Permit No. 96-0564 for the Homestead Village Rancho Bernardo project; and

WHEREAS, the matter was set for public hearing on July 29, 1997, 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 Planned Commercial Development Permit No. 96-0564:

**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 Rancho Bernardo Community Plan. The proposed hotel is an allowed use in the Commercial Visitor (CV) Zone which will benefit the community by providing needed hotel rooms. The Planned Commercial Development Permit No. 96-0564, through the conditions of approval, will not adversely affect the General Plan or the Rancho Bernardo Community Plan.

**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 and site development is consistent with the Commercial Visitor zone of the Municipal Code. The proposed project would conform with the development standards and regulations of the Municipal Code and will 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.**

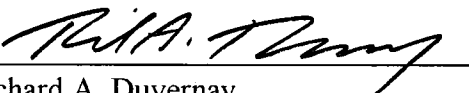
The proposed project will comply with all the relevant regulations in the Municipal Code which are applicable for this development. Conformance with the Municipal Code is required for the proposed design of the hotel and site development at all times. The proposed project has been reviewed and determined to comply with the regulations of the Municipal Code. Continued conformance will be further assured by the conditions of approval included in Planned Commercial Development Permit No. 96-0564.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Commercial Development Permit No. 96-0564 is granted to Homestead

Village Incorporated, a Maryland Corporation, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
10/02/97  
Or.Dept:Clerk  
R-98-161  
Form=permitr.frm

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED COMMERCIAL DEVELOPMENT PERMIT 96-0564  
HOMESTEAD VILLAGE RANCHO BERNARDO  
CITY COUNCIL

This Planned Commercial Development Permit is granted by the Council of The City of San Diego to 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 Permittee, to construct a Planned Commercial Development of a 132-room hotel facility and implement associated improvements (as described herein) on a 5.74-acre site located along West Bernardo Drive between West Bernardo Court and Bernardo Center Drive. The project site is identified as the proposed Parcel 4 of Tentative Parcel Map 96-0527 and legally described as a portion of Lot 12 of Bernardo Industrial Park Unit No. 9, Map No. 6513, filed October 16, 1969, 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 Exhibit "A" approved for the project, dated July 29, 1997, on file in the Office of Development Services:

- a. Two, three-story lodging structures consisting of a total of 132 hotel rooms;
- b. Landscaping within the public right-of-way and on the private property including a permanent underground electrically controlled automated irrigation system;
- c. Off-street surface parking facilities (refer to Condition 6);
- 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 Rancho Bernardo Community Plan, State CEQA Guidelines, the City-Wide Landscape Regulations and *Landscape Technical Manual*, and the Planned Commercial Development Ordinance.

3. This Permit shall only be valid if and when a final map is recorded in accordance with the State Map Act to create the proposed Parcel 4 of Tentative Parcel Map 96-0527. If the Parcel Map does not record within three years from the date of this Permit approval, this Permit shall be deemed null and void.

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 Permittee signs and returns the Permit to Development Services; and
- b. This Permit is recorded by Development Services in the Office of the County Recorder.

5. 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.

6. No fewer than 145 off-street parking spaces shall be provided on the property in the approximate location shown on Exhibit "A," dated July 29, 1997, on file in the Office of Development Services. Parking spaces shall be consistent with Chapter X, Article 1, Division 8, of the San Diego Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall be clearly marked and conform to Zoning standards.

**ENVIRONMENTAL MITIGATION MONITORING AND REPORTING PROGRAM  
REQUIREMENTS:**

7. Prior to the issuance of any building permits, the following noise attenuation measures shall be provided as notes on the building plans, to the satisfaction of the City Manager:

- a. Roof ceiling construction will be concrete 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. All exterior walls shall be 2x4 studs, 16 inch on center with R-11 insulation in the stud spaces. Exteriors will be a minimum of 7/8 inch exterior cement plaster. Interiors will be 5/8 inch gypsum board nailed direct.
- c. All north and south facing windows in building "A" and all first and second story windows in building "B" shall have a minimum Sound Transmission Class (STC) rating of 32 for the window assemblies. All third story east facing windows in building "B" shall have a minimum STC rating of 34. STC 32 rated windows can consist of either dual glazing with a 1/2 inch air space or 1/4 inch laminated glass. STC 34 rated windows are usually dual glazed with laminated glass.
- d. The glazing supplier shall submit test reports documenting the minimum STC rating for the complete glazing installation. The test shall be done in an independent, accredited testing laboratory in accordance with the appropriate American Society of Testing Materials (ASTM) standard.
- e. All entry doors should be 1&3/4 inch solid core flush wood doors with vinyl bulb weatherstripping on the sides and top. Glazing, mail slots or other openings in entry doors shall not be permitted.
- f. Any optical viewing devices installed in the entry doors shall 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 and/or certificates of occupancy to ensure the successful completion of the monitoring program.

8. All grading shall conform to requirements in accordance with Municipal Code sections 62.0401 through 62.0423, satisfactory to the City Engineer.

9. The drainage system proposed with this development is subject to the approval of the City Engineer.

10. 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.

11. Prior to the issuance of any building permits, the Permittee shall enter into an encroachment removal agreement with the City for any item (stairs, walls, landscaping, etcetera) in the public right-of-way, satisfactory to the City Engineer.

12. Prior to the issuance of any building permits, the Permittee shall assure by permit and bond, provisions to accommodate one proposed bus stop/shelter by constructing a ten-foot-wide sidewalk measured from the back of the curb extending for twenty-five feet parallel to the curb on West Bernardo Drive satisfactory to MTDB and the City Engineer. The ten foot sidewalk shall be free of any barriers such as, but not limited to, landscaping or any other barrier.

13. Prior to the issuance of any building permits, complete grading, signage, landscaping and building plans shall be submitted by the Permittee to the City Manager for approval. All plans shall be in substantial conformity to Exhibit "A," dated July 29, 1997, on file in the office of Development Services. No change, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this Permit shall have been granted.

14. 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 July 29, 1997, Landscape Concept Plan, on file in the office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this Permit shall have been granted.

15. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the 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 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.

16. 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 thirty (30) days by the 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.



17. 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.

18. Prior to the issuance of any building permits, the Permittee shall:

- a. Ensure that building address numbers are visible and legible from the street in conformance with the Uniform Fire Code section 10.208.
- b. Show the location of all existing fire hydrant(s) nearest this property on the plot or site plan in conformance with the Uniform Fire Code section 10.301.

19. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the City Manager 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 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 require additional fees as determined by the City Manager.

20. Prior to the issuance of any occupancy permit, the 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 Permittee shall obtain the required permits for work in the public right-of-way, satisfactory to the permit issuing authority.

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

22. Recordation of this permit shall constitute establishment of the project and 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.

23. 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 Permittee is not allowed.

24. 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.

25. Permanent and/or temporary signs shall be approved by the City Manager and shall be consistent with the criteria established by the Homestead Village Sign Program, Exhibit "A," dated July 29, 1997.

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

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

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

29. Conversion of the hotel facility on this site to any other use will require discretionary approval of an amendment to this Permit, a corresponding rezone from CV and associated amendments to the Rancho Bernardo Community Plan.

30. 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 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 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 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.

31. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.

32. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 997), in accordance with procedures established by the City Manager.

33. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

34. 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. § 1531 et seq.).

APPROVED by Council of The City of San Diego on July 29, 1997, by Resolution No. R-289014.

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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.

**HOMESTEAD VILLAGE INC.**  
**a Maryland Corporation**  
Permittee

By \_\_\_\_\_

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

10/2/97

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