

RESOLUTION NUMBER R-289391

ADOPTED ON NOVEMBER 4, 1997

WHEREAS, Barone Galasso and Associates, Inc., Owner/Permittee, filed an application for a Coastal Development Permit, a Centre City Development Permit and proposed variances to the Centre City Planned District Ordinance to develop subject property located in the Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project, Centre City Community Plan, described as Lots 7, 8 and 9 of Block 284; Lots 1, 2 and the north one-half of Lot 3 of Block 287 together with right-of-way Lots 18, excepting southerly 15 feet thereof, 19, 20 and 21; right-of-way Lots 22, 23 and 24 of Block 284 of Middletown according to Partition Map thereof made by J.E. Jackson, on file in the Office of the County Clerk, and that portion of Elm Street as closed and vacated to public use by The City of San Diego Council Resolution No. R-289390, adopted November 4, 1997, in the City of San Diego, County of San Diego, State of California, located within the Commercial/Office District of the Centre City Planned District, Centre City Community Plan Area; and

WHEREAS, on October 3, 1997, the Centre City Development Corporation Board of Directors unanimously recommended that the City Council approve Coastal Development Permit No. 96-7330 and related actions; and

WHEREAS, the matter was set for public hearing on November 4, 1997, pursuant to San Diego Municipal Code Chapter X, Article 5, and Section 111.1205, 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. 96-7330:

1. 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 sited as to minimize the obstruction of views to and along the ocean and other scenic coastal areas from public vantage points.

2. The proposed project will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. 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 (San Diego Municipal Code section 101.0462), unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

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

5. 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. The proposed development will minimize the alterations of natural land forms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

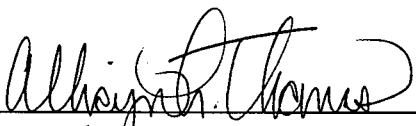
7. The proposed development will be visually compatible with the character of surrounding areas and, where feasible, will restore and enhance visual quality in visually degraded areas.

8. 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 the recommendation of the Centre City Development Corporation Board of Directors is sustained, and Coastal Development Permit No. 96-7330 is hereby granted to Barone Galasso and Associates, Inc., under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

ALT:lc  
12/10/97  
Or.Dept:Clerk  
R-98-642  
Form=permitr.frm

**RECORDING REQUESTED BY  
CENTRE CITY  
DEVELOPMENT CORPORATION**

**AND WHEN RECORDED MAIL TO  
225 BROADWAY, SUITE 1100  
SAN DIEGO, CA 92101**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 96-7330  
MAINSTAY SUITES HOTEL**

**COUNCIL OF THE CITY OF SAN DIEGO**

This Coastal Development permit is granted by the Council of The City of San Diego to the Barone Galasso and Associates, Inc., Permittee, pursuant to Sections 105.0205, 105.0208 and 111.1205 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 152-room hotel to be located at 1747 Pacific Coast Highway, San Diego, California, described as Lots 7, 8 and 9 of Block 284; Lots 1, 2 and the north one-half of Lot 3 of Block 287 together with right-of-way Lots 18, excepting southerly 15 feet thereof, 19, 20 and 21; right-of-way Lots 22, 23 and 24 of Block 284 of Middletown, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made by J.E. Jackson, on file in the Office of the County Clerk, located within the Commercial/Office District of the Centre City Planned District, Centre City Community Plan Area.
2. The facility shall consist of the following:
  - a. Construction of a 80,256 square foot, four-story building for hotel use; and
  - b. Accessory uses including laundry facilities, a swimming pool, kitchens and restroom facilities within each room, and a lobby.
  - c. Approximately 6,803 square feet of common open space.
3. No fewer than one hundred twenty (120) parking spaces for the facility shall be provided on site as shown on the Basic Concept/Schematic Drawings dated June 11, 1997, on file in the office of Centre City Development Corporation (CCDC). Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to City Standards. Parking areas shall be marked at all times.
4. Prior to building occupancy, the applicant shall conform to San Diego Municipal Code section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or

replacement of such public improvements is required, the Owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

5. Prior to the issuance of a building permit, the applicant shall assure by permit and bond the installation of a City Standard driveway (twelve-foot (12') minimum) satisfactory to the City Engineer.
6. All off-site improvement work shall be the responsibility of the Redevelopment Agency of The City of San Diego. Such improvements shall be subject to the standards of The City of San Diego and the Redevelopment Agency of The City of San Diego.
7. The proposed development, including its architectural design concepts, landscape features and off-site improvements, shall be subject to design review by CCDC in accordance with adopted procedures. The Developer shall conform to the Centre City Redevelopment Plan, Marina Planned District Ordinance and Urban Design Plan and Development Guidelines, the Asian Pacific Thematic Historic District Master Plan and the Centre City Street Scape Manual.
8. No permit for operation and occupancy 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 Centre City Development Corporation;
  - b. The Coastal Development Permit is recorded in the office of the County Recorder.
9. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
10. The address of the facility shall be visible from the street both during and after construction at the site.
11. A colors and materials palette for the improvements to the exterior of the structure shall be submitted to and approved by CCDC prior to issuance of a building permit.
12. All air conditioning and heating units located on the facades of the building shall be mounted flush with the surface of the building's exterior. Internal devices shall be provided for such units to prevent them from staining or streaking the building's facade.
13. All roof areas shall be architecturally treated with surface material approved by CCDC. All roof-top mechanical equipment shall be grouped and completely architecturally screened or enclosed from view of surrounding buildings.
14. The Developer shall comply with procedures established by the City of San Diego Airport Approach Overlay Zone (and any successor or amendment thereto) for structures which exceed thirty feet (30') in height, and shall be required to obtain and submit to CCDC and the City a Federal Aviation Administration (FAA) Determination of No Hazard to Air Navigation prior to issuance of a building permit.
15. This Coastal Development Permit must be used within 36 months after the date of approval by CCDC or the permit shall be void. An Extension of Time may be granted as

set forth in the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

16. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
17. After establishment of the project, the property shall not be used for any other purposes unless:
  - a. Authorized by the City or the President of CCDC; or
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
  - c. The permit has been revoked by the City or CCDC.
18. This Coastal Development Permit may be revoked by the City or CCDC if there is a material breach or default in any of the conditions of this permit.
19. 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 all referenced documents.
20. The Developer shall record easements over the property occupied by the Date and Fir Street View Corridors established by the Centre City Community Plan and Planned District Ordinance. These easements shall preclude any construction that obstructs the view from across California Street towards the San Diego Bay.
21. The project shall also conform to Exhibit A, Conditions of Approval for the Basic Concept/Schematic Drawings, approved by the Redevelopment Agency of The City of San Diego, by Resolution No. 2792, on November 4, 1997.

APPROVED by the Council of The City of San Diego on November 4, 1997, by Resolution No. R-289391.

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.

**BARONE GALASSO AND ASSOCIATES, INC.**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

12/10/97

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