

RESOLUTION NUMBER R-289746

ADOPTED ON FEBRUARY 17, 1998

WHEREAS, SEA Sorrento Associates, a California General Partnership, and Marriott International, Inc., an International Corporation, Owner/Permittee, submitted an application to The City of San Diego for an amendment to Planning Industrial Development [PID] Permit No. 88-0133 to permit the development of a 150 room hotel facility on a portion of a vacant 4.03 acre site located at 5995 Pacific Mesa Court, and legally described as Lot 7 of Pacific Corporate Center, Unit No. 8, Map No. 11988, filed January 13, 1988, in the Mira Mesa Community Plan area, in the M-1 zone; and

WHEREAS, on January 29, 1998, the Planning Commission of The City of San Diego considered PID Permit No. 96-7709, amending PID No. 88-0133, pursuant to San Diego Municipal Code section 101.0920 and recommended that the City Council approve the permit; and

WHEREAS, the matter was set for public hearing on February 17, 1998, 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 PID Permit No. 96-7709, amending PID No. 88-0133:

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

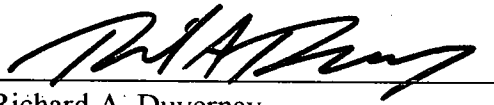
2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code.

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 Industrial Development Permit No. 96-7709, amending PID No. 88-0133, is granted to Residence Inn by Marriott, Inc., a Delaware Corporation, Owner/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

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03/19/98  
04/23/98 COR. COPY  
Or. Dept: Clerk  
R-98-918  
Form=permitr.frm  
Revised by Pat Grabski

**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 INDUSTRIAL DEVELOPMENT PERMIT NO. 96-7709  
AMENDMENT TO PLANNED INDUSTRIAL DEVELOPMENT PERMIT 88-0133  
RESIDENCE INN BY MARRIOTT  
CITY COUNCIL**

**T**his Planned Industrial Development Permit No. 96-7709, Amendment to Planned Industrial Development Permit 88-0133, is granted by the Council of The San Diego to RESIDENCE INN BY MARRIOTT INC., A DELAWARE CORPORATION, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 101.0920.

1. Subject to the terms and conditions set forth in this Permit, permission is hereby granted to Owner/Permittee to construct a Planned Industrial Development consisting of a 150 room hotel facility and implementation of associated improvements (as described herein) on a portion of a vacant 4.03 acre site. The site address is 5995 Pacific Mesa Court, located on the north side of Mira Mesa Boulevard, one-half mile east of the Interstate 805 freeway. The site is legally described as Lot 7 of Pacific Corporate Center, Unit No. 8, Map 11988, filed January 13, 1988 in the Mira Mesa Community Plan area and the (General Industrial) M-1 Zone.
2. This amendment incorporates Planned Industrial Development Permit 88-0133 on file in the Office of Development Services, except as identified in the terms and conditions of this Permit, and as described by size, dimension, quantity, type and locations and terms of the approved Exhibit "A," dated February 17, 1998, on file in the office of Development Services.
3. 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 February 17, 1998, on file in the office of the Development Services:
  - a. One-story gatehouse (check-in/administration center/coin operated laundry facilities for guest use only); two detached three-story structures consisting of a total 150 "business" hotel rooms, for a combined total of 100,960 square feet;
  - b. Landscaping within the public right-of-way and on the private property and a permanent underground electrically controlled automated irrigation system;
  - c. Off-street surface parking facilities;
  - d. Entry monument, temporary and permanent signage;
  - e. Improvements in the public right-of-way;
  - f. Pedestrian improvements within the property as detailed on the plans; and

- g. Accessory improvements determined by the City Manager to be consistent with the development standards and criteria in effect for this site per the existing M-1 Zone, the Mira Mesa Community Plan, State CEQA Guidelines, the City-Wide Landscape Regulations and Landscape Technical Manual, the Planned Industrial Development Ordinance.

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

**Noise**

The following mitigation measures are required to reduce traffic noise impacts from Mira Mesa Boulevard and projected aircraft noise levels from Marine Corps Air Station (MCAS) Miramar on the proposed structures to below a level of significance.

1. Upon submittal of plans for a building permit, an interior acoustical analysis shall be prepared and submitted to the Noise Abatement Officer, Development Services. The report shall demonstrate that interior noise levels would be reduced to 45 dB(A) CNEL or less, based on future traffic volumes of Mira Mesa Boulevard and projected aircraft noise levels from Marine Corps Air Station (MCAS) Miramar.
2. Prior to issuance of building permits, construction plans shall be reviewed by the City Manager to determine that the noise mitigation measures have been incorporated into the plans. During construction, the City Manager shall verify compliance with the mitigation measures.

These measures will reduce noise impact to below a level of significance.

**Paleontology**

The following mitigation measures are required to reduce paleontological impacts to below a level of significance.

3. A qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. A qualified paleontologist is defined as an individual with a PhD or MS Degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.
4. Prior to issuance of land development or building permits, the requirement for paleontological monitoring shall be noted on the construction drawings. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections and preparation of a results report. These duties are defined as follows:

a. **Monitoring**

The paleontologist or paleontological monitor shall be on site during the initial cutting of previously undisturbed areas to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.

b. Salvaging

In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.

c. Preparation

Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).

d. Monitoring Results Report

Prior to the issuance of a building permit, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be submitted to EAS for approval.

These measures will reduce paleontological impacts to below a level of significance.

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.

5. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for the private drainage system connection into public drainage system on Pacific Court. The drainage system proposed for this project, as shown on the approved plans, is subject to approval by the City Engineer.

6. This project proposes export of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the export material. All such activities require a separate Conditional Use Permit.

7. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with SDMC sections 62.0401 through 62.0423 in a manner satisfactory to the City Engineer.

Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of two standard driveways: one on Pacific Mesa Court and one emergency access only on Mira Mesa Boulevard satisfactory to the City Engineer, neither stamped concrete nor curb returns are permitted.

8. Prior to building occupancy, the applicant shall conform to SDMC 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.

9. 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 Industrial Development Permit is recorded in the Office of the County Recorder

10. 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 Industrial Development Permit.

11. No fewer than 150 off-street parking spaces shall be provided on the property in the approximate location shown on Exhibit "A," dated February 17, 1998, on file in the office of the Development Services. Parking spaces shall be consistent with SDMC 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 Development Services Department standards. Parking areas shall be marked.

12. Prior to the issuance of any building permits, complete grading, signage, landscaping and building plan 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 February 17, 1998, on file in the office of the Development Services. No changes, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this Permit shall have been granted.

13. 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 February 17, 1998, Landscape Concept Plan, on file in the office of the Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this Permit shall have been granted.

14. 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.

15. 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.

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 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.

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 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 sections 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 section 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.
- f. Provide fire access roadway signs or red curbs in accordance with BFLS, Policy A-96-1.
- g. Provide turn radius for fire apparatus in accordance with BFLS, Policy A-96-1.

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

20. Prior to the issuance of any occupancy permit, the Owner/Permittee shall conform to SDMC 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.

21. The Permit must be utilized within 36 months after the effective date.
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 Industrial Development Permit is approved or has been revoked by the City.
24. This Planned Industrial 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 Industrial 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 Residence Inn By Marriott, Exhibit "A," dated February 17, 1998, on file in the office of Development Services.
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 "business" hotel 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 M-1 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 either utilizes the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property 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.



32. 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 the Council of The San Diego on February 17, 1998, by Resolution No. R-289746.

L:\DUVERNAY\PERMITS\96-7709.WPD

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.

**RESIDENCE INN BY MARRIOTT, INC.**  
A Delaware Corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

4/23/98

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