

(R-98-1582)

RESOLUTION NUMBER R-290228

ADOPTED ON JUNE 9, 1998

WHEREAS, Monaghan Company, LLC, Permittee, filed an application for a Coastal Development Permit, a Resource Protection Permit, and a Centre City Development Permit to develop subject property located in the Columbia Sub Area of the Centre City Redevelopment Project, described as Lots 1A and 1B of Block 51 of New San Diego in the City of San Diego, County of San Diego, State of California, located in the Commercial/Office District of the Centre City Planned District and the Centre City Community Plan Area; and

WHEREAS, on April 24, 1998, the Centre City Development Corporation Board of Directors unanimously recommended that the City Council approve Coastal Development Permit No. 96-7338 and related actions; and

WHEREAS, the matter was set for public hearing on June 9, 1998, 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. 96-7338:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public of any proposed public accessway identified in an adopted Local Coastal Program [LCP] Land Use Plan; the proposed development has been designed and so sited

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.

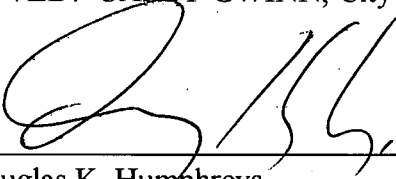
7. The proposed development will be visually compatible with the character of surrounding areas and, where feasible, will restore and enhance visual quality in visually degraded areas.

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. 96-7338 is hereby granted to Monaghan Company, LLC, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 

Douglas K. Humphreys
Deputy City Attorney

DKH:lc
02/25/99
Or.Dept:CCDC
R-98-1582
Form=r-t.frm

RECORDING REQUESTED BY
CENTRE CITY
DEVELOPMENT CORPORATION
225 BROADWAY, SUITE 1100, MS 51D
SAN DIEGO, CA 92101

AND WHEN RECORDED MAIL TO
MAIL STATION 51D

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 96-7338
STATION B POWERHOUSE

CITY COUNCIL OF THE CITY OF SAN DIEGO

This Coastal Development permit is granted by the Council of The City of San Diego to the Monaghan Company, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 105.0205, 105.0208 and 111.1205.

1. Permission is granted to Permittee to adaptively reuse the Station B Powerhouse as a 450-room hotel and ancillary uses, retail and entertainment uses, and parking on the property described as Lots 1A and 1B of Block 51 of New San Diego in the City of San Diego, County of San Diego, State of California, located in the Commercial/Office District of the Centre City Planned District, and the Centre City Community Plan Area.
2. The facility shall consist of the following:
 - a. Construction of a 26-story hotel tower containing 420 guest suites.
 - b. Accessory uses including health clubs, outdoor swimming pool, and roof terraces.
 - c. Adaptive reuse of the Power Station Buildings including interior public space, hotel lobby, retail/entertainment uses, kitchen and service areas, conference and meeting areas, and 30 guest suites located in the Broadway facade.
3. Two hundred seventy-two (272) parking spaces for the facility shall be provided on site as shown on the Basic Concept/Schematic Drawings dated February 17, 1998, on file in the office of Centre City Development Corporation [CCDC]. 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 City standards. Parking areas shall be marked at all times.

4. The project shall also conform to the 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. 2848, on June 9, 1998.
5. 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.
6. All off-site improvement work shall be the responsibility of the Permittee, with the exception of off-site improvements to be undertaken by Redevelopment Agency of The City of San Diego as described in Exhibit A, Conditions of Approval for the Basic Concept/Schematic Drawings. 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, Centre City Planned District Ordinance, the Centre City Parking Ordinance, and the Centre City Streetscape 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, and the adjacent public right-of-way, as the 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 (30) feet 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.

APPROVED by the Council of The City of San Diego on June 9, 1998 by Resolution No. R-290228.

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.

MONAGHAN COMPANY, LLC
Permittee

By _____

By _____

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