

(R-2001-1013)

RESOLUTION NUMBER R-294284

ADOPTED ON NOVEMBER 21, 2000

WHEREAS, International Gateway Associates, LLC, an affiliate of LandGrant Development and Border Prospects, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish approximately 18,425 square feet of commercial and residential developments and to construct 654,830 square feet of commercial development consisting of retail and restaurants for the International Gateway of The Americas project on portions of a 57.67 acre site located south of Camino De La Plaza, west of Virginia Avenue, and north of the Tia Juana River, in the Coastal Zone, the Coastal Height Limit Zone, the CT-2-3 zone, and the commercial zone of the San Ysidro Planned Development District and San Ysidro Community Plan area; and

WHEREAS, the project site is legally described as those portions of the east half of the east half of Lot 1 of Section 2, Township 19 South, Range 2 West, SBM, plus the west half of the west half of Lot 4 of Section 1, Township 19 South, Range 2 West, SBM, plus Lot A of Map 13372, plus Parcel 1 of P.M. 11307, plus Lot 2 of P.M. 8940, plus all of blocks 11 to 14, plus portions of blocks 15 and 16 south of Camino de la Plaza, and the portions of blocks 25 to 30 and lots 9, 10 and 11 of Map 562-refiled north of the Flood Control Channel described in Orders of Condemnation File 79-363927 O.R. 8-29-79, File 79-527564 O.R. and File 79-527565 O.R., and the north half of Tia Juana Street between the center of Virginia Avenue and Camiones Way as shown on Record of Survey 14733; and

WHEREAS, on October 26, 2000, the Planning Commission of the City of San Diego considered Coastal Development Permit/Site Development Permit [CDP/SDP] No. 40-0338, and pursuant to Resolution No. 3040-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on November 21, 2000, 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 CDP/SDP No. 40-0338:

Coastal Development Permit Findings

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessory identified in a Local Coastal Program Land Use Plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan. The Local Coastal Program land use plan does not identify a legally used public accessory within or adjacent to the proposed development. This site does not provide access to Coastal Resources. The Tia Juana River Flood Control Channel is located along the south boundary of the subject property. The north levy of the River Channel is a line of enforcement for the Border Patrol and access is currently restricted by a 10-foot high metal fence along the Levy. Although the project is in the Coastal Zone, this concrete River Channel is not a publicly accessible coastal feature.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. An Initial Study and Mitigated Negative Declaration were prepared by Parsons Engineering Science and Parsons Transportation Group through the San Diego Redevelopment Agency and determined that the project would not adversely affect environmentally sensitive lands. A site-specific biological assessment was prepared for this project by Pacific Southwest Biological Services, Inc. (PSBS), and also resulted in no significant impact to sensitive land.

The commercial development site is highly disturbed and consists of non-native ruderal (weedy) vegetation, exposed dirt and pavement. No unique, rare, or endangered species of plants or animals would be expected or are known to inhabit this land.

3. The proposed coastal development is in conformity with the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program. The certified Land Use Plan designates the subject property as border commercial. The proposed retail and restaurant center is consistent with this designation. Further, the coastal-certified Community Plan identifies this site as part of the “International Gateway” area of the community. The project complies with the goals and objectives of this area by providing retail development near the border, promoting outdoor activity with enhanced walkways and plazas improving the transportation system for vehicles and pedestrians, and providing secure parking for visitors.

The project proposes the deletion of Tia Juana Street which is a circulation element within the San Ysidro Community Plan. A traffic study was conducted which concluded that the deletion of this street will not significantly impact the surrounding area. Therefore, an amendment to the Community Plan, Progress Guide and General Plan and Local Coastal Program Land Use Plan is proposed as part of this project.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project is located south of Camino De La Plaza (a public road) and north of the Tia Juana River Flood Control Channel. Per Chapter 3 of the California Coastal Act, this project does not interfere with any Coastal access, recreational opportunity, or visitor facilities. The property is not ocean front land, environmentally sensitive land, nor an archaeological or paleontological resource.

Site Development Permit Findings

1. The proposed development will not adversely affect the applicable land use plan. The San Ysidro Community Plan identifies a number of objectives for this site which is within the area identified as “The International Gateway.” A few of the objectives are to “create a sense of entry into the community through the special treatment of all major entry points, increase commercial retail development at the border to capture tourist dollars, and to increase the availability of secure parking for visitors at the border.”

The International Gateway of the Americas project is designed to provide landscaped entry drives and pedestrian walkways leading to the open-air pedestrian mall. The project itself is a 654,830 square-foot commercial development consisting of retail and restaurants and is expected to capture much of its business from tourists. The project has been designed to adhere to the San Diego Police Department comments to prevent crime through environmental design and has also been designed to meet the Border Patrol’s concern with security. The parking lot will be controlled by gates at each driveway with ticket booths to control access into the development. Along with the controlled access points throughout the site, on site management offices and a security office will be located on the site. These design features in addition to the

increased foot traffic that this project will add to the area will increase the safety of the surrounding area. These are major objectives of this area and have been adhered to. Therefore, the project will not adversely affect the applicable land use plan.

The project proposes an up to 50-foot high, 336 square-foot changeable message/animated/diamond vision sign on Lot 17 as shown on Tentative Map No. 40-0338 of the project. The placement of the sign is further subject to a lot tie agreement between Lot 17 and Lot 16 as shown on Tentative Map No. 40-0338 or that lot which is contiguous to Lot 17 and is included within the project limits, to the satisfaction of the City Engineer. The proposed changeable message/animated/diamond vision sign and project design is consistent with the intent of the applicable plans, fully implements the Tourism and International Gateway Objectives of the San Ysidro Community Plan, and will not adversely affect any of the applicable plans. The Paseo and associated Video Board, which is an integral part of the Paseo, will form a centerpiece contributing to an international sense of place, providing information in English and Spanish to form a centerpiece for the border entry and to create a symbolic image of the crossroads between Mexico and the United States. The Paseo and the changeable message/animated/diamond vision sign not only create the sense of entry to the tourist area called for in the Community Plan, but also constitute a "special treatment" of this major entry point, per the Community Plan's objective of creating "a sense of entry into the community through the special treatment of all major entry points." It also is consistent with the Community Plan's goal of directing tourist traffic to tourist-serving commercial areas, as it will serve as an orientation mechanism to direct and attract tourist traffic by virtue of its location along the major pedestrian ingress and egress to the site.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project is expected to improve the safety and public welfare of the area. Currently, this site is vacant land that is adjacent to the International Border of San Diego and Tia Juana. For security reasons, the Border Patrol requires a 10-foot minimum area that is either clear of all landscaping or any landscaping that is lower than 12 inches in height adjacent to the border fence. The project plans according to Exhibit "A," dated November 21, 2000, on file in the office of Planning and Development Review, complies with the Border Patrol operational requirements.

The project has been designed to adhere to the San Diego Police Department comments to prevent crime through environmental design. The parking lot will be controlled by gates at each driveway with ticket booths to control access into the development. Along with the controlled access points throughout the site, on site management offices and a security office will be located on the site. These design features in addition to the increased foot traffic that this project will add to the area will increase the safety of the surrounding area.

The proposed changeable message/animated/diamond vision sign is compatible with the existing surrounding area, which consists of parking lots, commercial developments and residential developments, and is designed to be in harmony with the International Gateway's architecture both in style and scale. The project site is located within the Coastal Height Limit Zone, however, a portion of the project site recently received approval by the voters of the City of

San Diego to increase the height limit from 50 feet to up to 150 feet. Therefore, the height of the changeable message/animated/diamond sign would not be restricted by the Coastal Height Limit Zone. Moreover, the changeable message/animated/diamond vision sign does not constitute a disruptive element to the neighborhood and community. The sign will serve as an orientation market to indicate the border crossing point, transportation center and retail center, and will not be visible from the freeway. The sign also will not be visible from the freeway, and the nearest cross streets of any magnitude are more than 500 feet away from the display. Therefore, the changeable message/animated/diamond vision sign will not be detrimental to the health, safety or general welfare of persons residing or working in the area, nor will it adversely affect other property in the vicinity.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development will comply with the applicable regulations of the Land Development Code with deviations permitted through the San Ysidro Planned District Ordinance. The subject project complies with the San Diego Land Development Code (LDC) for architectural planning, parking, and uses. Building area is under required floor area ratio and coverage ratios. The architectural character of buildings exceeds the LDC for building detail and offset. The center is designed to provide landscaped entry drives and pedestrian walkways leading to the open-air pedestrian mall. Courtyards and entry plazas provide seating and landscaping for an enjoyable gathering and shopping experience.

The LDC states that the purpose of the sign regulations is to "provide a comprehensive system of regulations for signs that are visible from the public right-of-way. The intent of these regulations is to provide a set of standards that are designed to optimize communication and quality of signs while protecting the public and aesthetic character of the City." Allowing the changeable message/animated/diamond vision sign to be included within the project is consistent with this overall purpose. The unique nature of the International Gateway project and the voter approved height limit for the project of 50 feet up to 150 feet provides a backdrop which would justify a sign of greater scale than would otherwise be allowed by the Citywide ordinance.

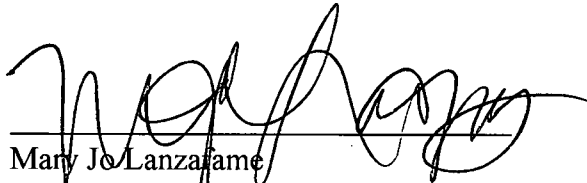
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained; and Coastal Development Permit/Site Development Permit No. 40-0338 is granted, including the additional conditions listed below, to International Gateway Associates, LLC, an affiliate of LandGrant Development and Border Prospects, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

1. Include the alternative landscaping plan, consistent with the Border Patrol requirements.
2. Allow the sign on a lot to be contiguous to Lot 17 and to the satisfaction of the City Engineer.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
02/13/01
Or.Dept:Clerk
R-2001-1013
Form=permitr.frm
Reviewed by Linda Marabian

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT/
SITE DEVELOPMENT PERMIT NO. 40-0338 (**MMRP**)

INTERNATIONAL GATEWAY OF THE AMERICAS

CITY COUNCIL

This Coastal Development Permit/Site Development Permit [CDP/SDP] is granted by the Council of the City of San Diego to International Gateway Associates, LLC, an affiliate of LandGrant Development, and Border Prospects LLC, Owner/Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 57.67 acre site is located south of Camino De La Plaza, west of Virginia Avenue, and north of the Tia Juana River in the Coastal Zone, the Coastal Height Limit Zone, the CT 2-3 Zone, and the commercial zone of the San Ysidro Planned Development District within the San Ysidro Community Plan. The project site is legally described as those portions of the east half of the east half of Lot 1 of Section 2, Township 19 South, Range 2 West, SBM, plus the west half of the west half of Lot 4 of Section 1, Township 19 South, Range 2 West, SBM, plus Lot A of Map 13372, plus Parcel 1 of P.M. 11307, plus Lot 2 of P.M. 8940, plus all of blocks 11 to 14, plus portions of blocks 15 and 16 south of Camino de la Plaza, and portions of blocks 25 to 30 and lots 9, 10 and 11 of Map 562-refiled north of the Flood Control Channel described in Orders of Condemnation File 79-363927 O.R. 8-29-79, File 79-527564 O.R. and File 79-527565 O.R., and the north half of Tia Juana Street between the center of Virginia Avenue and Camiones Way as shown on Record of Survey 14733.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to demolish approximately 18,425 square feet of commercial and residential developments and construct 654,830 square feet of commercial development consisting of retail and restaurants described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 21, 2000, on file in the Office of the Development Services Department. The facility shall include:

- a. The demolition of approximately 2,800 square feet of a residential dwelling and six commercial buildings of approximately 15,625 square feet; and
 - b. The construction of a 654,830 square foot commercial development consisting of 613,689 square feet of retail and 41,141 square-feet of restaurants; and
 - c. Landscaping (planting, irrigation and landscape related improvements); and
 - d. Off-street parking facilities; and
 - e. Project specific sign plan; and
 - f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the San Diego Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 the Development Services Department; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
 3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
 4. This 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.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. 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.).

7. This Permit shall become effective after the adoption of the Local Coastal Program Land Use Plan Amendment by the Coastal Commission.

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

10. 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 utilize 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 the 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 an 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(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed 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.

ENGINEERING REQUIREMENTS:

11. This Site Development Permit/Coastal Development Permit shall conform to Tentative Map No. 40-0338 and all requirements and conditions listed therein.

ENVIRONMENTAL:

12. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Environmental Impact Report for the San Ysidro Redevelopment Project, previously certified by the Council of the City of San Diego (Resolution No. R-287149), and the Mitigated Negative Declaration for the International Gateway of the Americas Project Disposition and Development Agreement, previously certified by the Council of the City of San Diego (Resolution No. R-290105), satisfactory to the City Manager and the City Engineer. Prior to issuance of grading or building permits, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas where applicable: Noise and Vibration, Traffic/Circulation, Air Quality, Displacement Impacts, Utilities, Geology/Soils, Water Resources, Human Health and Public Safety, Aesthetic, and Paleontological Resources.

PLANNING/DESIGN REQUIREMENTS:

13. The Sign Plan for the International Gateway of the Americas shall be recorded in the office of the County Recorder, and become a part of Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department. All future signs or proposed changes to the approved sign plan will be reviewed by the Planning Director for compliance with its conditions. Where a specific condition is not addressed in the sign plan, City-wide sign regulations shall apply. No off-premise signs will be permitted, and signs may not be located on non-contiguous Parcel 17.

14. Hydroseed mix is to be applied to the remainder parcel as described in Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department.

15. The design of the pad buildings along Camino de la Plaza, indicated as buildings AA, A, E, F, J, K, N and O on the site plan, shall be consistent with the Building Design Guidelines, dated June 6, 2000, and Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department. Associated signage will be consistent with the comprehensive sign plan, also a part of Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department.

16. The remainder parcel shall be fenced until development begins; at that time it may be replaced with a temporary construction fence. If the fence is over 6 feet 0 inches in height a building permit is required, and the fence must observe all required setbacks. Fence is to be maintained in good repair at all times.

17. Declaration of Covenants, Conditions and Restrictions (CC&Rs) and Grant and Reservation of Rights and Easements for the International Gateway of the Americas shall be recorded in the office of the County Recorder, and become a part of Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department. All future development will be reviewed by the City Manager for compliance with its conditions.

18. No fewer than 2,552 (within 10 percent of the 2,835 parking spaces shown on Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department. Parking spaces shall comply at all times with the San Diego Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

19. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

20. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

21. A topographical survey conforming to the provisions of SDMC section 101.0216 may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

22. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

24. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

25. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than 6 feet in height; and, provided further, merchandise, material or equipment shall not be stored higher than any adjacent wall.

26. All mechanical equipment erected, constructed, or enlarged on the roof of any building on the site, and visible from any public right-of-way or public vantage point (public plaza or public bridge) shall be contained within a completely enclosed architecturally integrated structure. The top and-sides of the enclosing structure may include grillwork, louvers, and latticework.

27. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC section 101.2001) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department.

GEOLOGY:

28. The geologic consultant will be required to evaluate faulting during site development, including examination of all cuts in natural materials.

WATER:

29. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of certain portions of water facilities identified in accepted studies, necessary to provide service to this development in a manner satisfactory to the Water Department Director and the City Engineer.

30. The developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.

31. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides.

32. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these

previously approved water facilities, as required by the City Engineer and the Water Department Director, will become off-site improvements required for this development.

SEWER:

33. Prior to the submittal of any public improvement drawings or issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of certain sewer facilities, necessary to provide sewer service to this development in a manner satisfactory to the Metropolitan Wastewater Department Director.

34. The subdivider agrees to design all public sewer facilities in accordance with the established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or redesigned.

35. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each unit will have its own sewer service, or provide CC&Rs for the operation and maintenance of private sewer facilities that serve more than one ownership.

LANDSCAPE REQUIREMENTS:

36. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 21, 2000, on file in the Office of the Development Services Department. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

37. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

38. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

39. In the event that a foundation only permit is requested by the Permittee, or subsequent owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated November 21, 2000, on file in the

Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.

40. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 21, 2000, on file in the Office of the Development Services Department.

41. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy, for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 21, 2000, on file in the Office of the Development Services Department.

42. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 40-0338 (including Environmental conditions) and Exhibit "A," dated November 21, 2000, on file in the Office of the Development Services Department.

43. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee, or subsequent owner, to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees. The street trees have been used to satisfy a portion of the vehicle use area requirements and may not be removed without a substantial conformance review by the Office of the Development Services Department.

44. The Permittee, or subsequent owner, shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

TRANSPORTATION

45. The parking spaces on the project site shall be used for International Gateway of the Americas patrons only and shall not be leased to other responsible parties.

46. Camino De La Plaza between the western edge of the project and Virginia Avenue is classified as a 4-lane collector roadway. Prior to the issuance of the first building permit, applicant shall dedicate 46 feet of right-of-way and shall assure, by permit and bond, the construction of 36 feet of pavement, curb, gutter and a 5-foot wide sidewalk within a 10-foot curb-to-property-line distance, satisfactory to the City Engineer.

47. Camino De La Plaza between Virginia Avenue and Camiones Way is classified as a 4-lane major roadway. Prior to the issuance of the first building permit, applicant shall dedicate 49 feet of right-of-way and shall assure, by permit and bond, the construction of 36 feet of pavement, curb, gutter and a 5-foot wide sidewalk within a 13-foot curb-to-property-line distance, satisfactory to the City Engineer.

48. Virginia Avenue between Camino De La Plaza and the southern edge of Lot 17 is classified as a 2-lane collector roadway. Prior to the issuance of the first building permit, applicant shall dedicate 70 feet of right of way and shall assure, by permit and bond, the construction of 50 feet of pavement, curb, gutter and a 5-foot wide sidewalk within a 10-foot curb-to-property-line distance on both sides of the street, satisfactory to the City Engineer.

49. Virginia Avenue between the southern edge of Lot 17 and the southern edge of Lot 16 is classified as a 2-lane collector roadway. Prior to the issuance of the first building permit, applicant shall dedicate 35 feet of right of way and shall assure, by permit and bond, the construction of 25 feet of pavement, curb, gutter and a 5-foot wide sidewalk within a 10-foot curb-to-property-line distance, satisfactory to the City Engineer.

50. Prior to the issuance of the first building permit, applicant shall assure, by permit and bond, the construction of traffic signal at the following intersections, satisfactory to the City Engineer.

- * West San Ysidro Boulevard / Interstate 5 northbound ramps (N)
- * Dairy Mart Road / Interstate 5 southbound ramps
- * Camino De La Plaza / Willow Road / Project driveway
- * Camino De La Plaza / Driveway 5 (Via National)

51. Prior to the issuance of the first building permit, applicant shall assure, by permit and bond, the modification of the traffic signal and improve the intersection of Camino De La Plaza / Interstate 5 southbound ramps to provide one left turn lane, one through lane, one right turn lane for all approaches, satisfactory to the City Engineer.

52. Prior to the issuance of the first building permit, applicant shall, in addition to construction of a traffic signal, assure by permit and bond the improvement of the intersection of Camino De La Plaza / Willow Road / Project driveway to provide the following, satisfactory to the City Engineer:

* One shared through/right lane, one through lane and one left turn lane for eastbound and westbound traffic.

* One shared through/right lane and one left turn lane for northbound and southbound traffic.

53. Prior to the issuance of the first building permit, applicant shall pay 61.6 percent of the cost for the future traffic signal modification and construction of a second southbound left turn pocket at the intersection of Camino De La Plaza / Willow Road, satisfactory to the City Engineer. This will result in two left turn lanes and one shared through/right turn lane for southbound traffic. (In accordance with the Second Implementation Agreement between Subdivider and the Redevelopment Agency of the City of San Diego [Agency], authorized by Agency Resolution No. R-03272, and the Cooperation Agreement between the City of San Diego and the Agency, authorized by City Council Resolution No. R-294278 and Agency Resolution No. R-03273, the Agency will perform this condition.)

54. Prior to the issuance of the first building permit, applicant shall pay 46.6 percent of the cost for the traffic signal modification and construction of a second southbound (I-5 SB off-ramp) right turn lane at the intersection of Camino De La Plaza / Interstate 5 southbound ramps, satisfactory to the City Engineer. This will result in one left turn lane, one through lane and two right turn lanes for southbound traffic. (In accordance with the Second Implementation Agreement between Subdivider and the Redevelopment Agency of the City of San Diego [Agency], authorized by Agency Resolution No. R-03272, and the Cooperation Agreement between the City of San Diego and the Agency, authorized by City Council Resolution No. R-294278 and Agency Resolution No. R-03273, the Agency will perform this condition.)

55. Prior to the issuance of the first building permit, applicant shall pay 65 percent of the cost for the traffic signal modification and construction of one exclusive eastbound (I-5 SB off-ramp) left turn lane at the intersection of Dairy Mart Road / Interstate 5 southbound ramps, satisfactory to the City Engineer. This will result in one left turn lane, one shared through/left lane and right turn lane for eastbound traffic. (In accordance with the Second Implementation Agreement between Subdivider and the Redevelopment Agency of the City of San Diego [Agency], authorized by Agency Resolution No. R-03272, and the Cooperation Agreement between the City of San Diego and the Agency, authorized by City Council Resolution No. R-294278 and Agency Resolution No. R-03273, the Agency will perform this condition.)

56. Prior to the issuance of the first building permit, applicant shall pay 50.2 percent of the cost for the traffic signal modification and re-striping to provide one left turn lane, one shared through/right turn lane and one right-turn-lane for northbound traffic at the intersection of San Ysidro Boulevard / Beyer Boulevard, satisfactory to the City Engineer. (In accordance with the Second Implementation Agreement between Subdivider and the Redevelopment Agency of the City of San Diego [Agency], authorized by Agency Resolution No. R-03272, and the Cooperation Agreement between the City of San Diego and the Agency, authorized by City Council Resolution No. R-294278 and Agency Resolution No. R-03273, the Agency will perform this condition.)

57. Prior to the issuance of the first building permit, all unsignalized project driveways on Camino De La Plaza east of Willow Road shall be designed and signed for right turn egress only (no left turn out allowed), satisfactory to the City Engineer.

58. Dairy Mart Road between Interstate 5 southbound ramps and Camino De La Plaza is classified as a 4-lane collector roadway. Prior to the issuance of the first building permit exceeding 407,000 square feet, applicant shall assure, by permit and bond, the construction of 68 feet of pavement and AC berm on both sides of the roadway within the existing 80-foot right-of-way, satisfactory to the City Engineer.

59. Prior to the issuance of the first building permit exceeding 407,000 square feet, applicant shall assure, by permit and bond, the construction of a traffic signal at the following intersection, satisfactory to the city Engineer.

* Camino De La Plaza / Driveway 1 (Tia Juana Street)

60. Prior to the issuance of the first building permit, applicant shall provide shared access and a shared parking agreement, satisfactory to the City Engineer.

61. Subdivider/developer shall re-evaluate the function of all unsignalized project driveways on Camino De La Plaza five years after issuance of the last certificate of occupancy on the project. If this study, satisfactory to the City Traffic Engineer, shows a need for further turn restrictions, subdivider/developer shall install appropriate channelization at that time.

62. Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000.

63. The location of the gate on Driveway 1 (Tia Juana Street) should be 280 feet from the back of the sidewalk on Camino De La Plaza.

64. The location of the gate on Driveway 2 (Sipes Drive) should be 175 feet from the back of the sidewalk on Camino De La Plaza.

65. The location of the gate on Driveway 3 (Willow Road) should be 290 feet from the back of the sidewalk on Camino De La Plaza.

66. The location of the gate on Driveway 4 (Via New York) should be 115 feet from the back of the sidewalk on Camino De La Plaza.

67. The location of the gate on Driveway 5 (Via National) should be 300 feet from the back of the sidewalk on Camino De La Plaza.

68. The location of the gate on Driveway 6 (Paseo Louisiana) should be 90 feet from the back of the sidewalk on Camino De La Plaza.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit may protest the imposition within ninety days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Council of the City of San Diego on November 21, 2000, by Resolution No. R-294284.

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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.

International Gateway Associates, LLC,
an affiliate of LandGrant Development
Owner/Permittee


By _____

Border Prospects, LLC
Owner/Permittee

By _____

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

2/8/01
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