

RESOLUTION NUMBER R-295789

ADOPTED ON NOVEMBER 27, 2001

WHEREAS, Hacienda Hospitality Holdings, LLC, Owner/Permittee, filed an application with the City of San Diego for the Hacienda Hotel expansion by constructing a three-story, twenty-eight-room hotel addition with underground parking on a 3.52-acre site, located at 4045 Harney Street, in the Old Town San Diego Community Plan area, in the Old Town San Diego Planned District Multi-Family and Public zones, which is proposed to be rezoned to the Old Town San Diego Planned District Rosecrans zone; and

WHEREAS, the site is legally described as Block 480, Portion of Lot 2 in the City of San Diego, County of San Diego, State of California; Portion of Lots 1, 2, and 3 of 480 and a Portion of Lots 1, 2 and 3 of Block 491 of Old San Diego, including vacated portions of Conde and Arista Streets adjoining said Lots in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the office of the County Recorder of San Diego County, December 12, 1921, and known as Miscellaneous Map No. 40; All of Lot 4, Block 480 of Old San Diego, excepting the southeasterly 50 feet of said lot lying southeasterly of the right-of-way of the San Diego Electric Railway Company, and also that portion of the northeasterly half of Conde Street lying southeasterly of and adjoining said Lot 4 and lying northeasterly and adjoining the northeasterly line of the aforesaid right-of-way of the San Diego Electric Railway Company as vacated and closed to public use on January 10, 1916 by Resolution No. 20943 of the Common Council of the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the office of

the County Recorder of San Diego County, December 12, 1921 and know as Miscellaneous Map No. 40; and

WHEREAS, on October 4, 2001, the Planning Commission of the City of San Diego considered Site Development Permit/Old Town San Diego Planned District Permit [SD/PDP] Permit No. 40-0973, and pursuant to Resolution No. 3178-PC voted to recommend City Council approval of the project; and

WHEREAS, the matter was set for public hearing on November 27, 2001, 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 it adopts the following findings with respect to SD/PDP Permit No. 40-0973:

I. OLD TOWN SAN DIEGO PLANNED DISTRICT ORDINANCE FINDINGS (SAN DIEGO MUNICIPAL CODE SECTION 103.0200)

1. The project is consistent with the general purpose and intent of the Old Town San Diego Planned District Ordinance.

The Hacienda Hotel proposal is for the construction of a three-story, twenty-eight-unit hotel structure addition to the existing hotel, with parking at the southeast corner of the Harney and Juan Streets. In order to proceed with the proposed project, a community plan amendment is required to change the land use designation for both the hotel property (2.93-acres) and the adjacent County of San Diego parking lot (0.59-acres) from multi-family to hotel use. To implement this action, rezoning of the parking lot from public to hotel and the existing hotel site from multi-family residential to the Rosecrans zone of the Old Town San Diego Planned District is necessary.

The existing hotel use is not consistent with the Old Town San Diego Community Plan because in 1987 update of the Old Town San Diego Community Plan specifically recommended a multi-family use designation on the site in order to discourage major additional hotel development from encroaching into Old Town's residential area. However, since that time, the hotel has become substantially constricted from developing on properties it owns, and its future success depends on its ability to expand. To accomplish this a community plan amendment initiation was requested and approved by the Planning Commission on January 11, 2001. The request was to amend the plan to change the land use designation from multi-family residential to hotel. If the

proposed community plan amendment and associated rezone are approved the proposed hotel expansion will be consistent with the Planned District.

2. The project is consistent with the property and building development regulations of the Old Town San Diego Planned District in effect for this site.

The proposed hotel project is in full compliance with the development regulations of the Old Town San Diego Planned District. No variances or deviations are requested.

3. The project is consistent with the Old Town San Diego Architectural and Site Development Standards and Criteria in effect for this site.

The purpose of the Old Town San Diego Planned District is to replicate, retain and enhance the distinctive character of the Old Town San Diego historic area that existed prior to 1871. Development of land in Old Town San Diego is controlled in this manner in order to develop the unique village character and atmosphere of Old Town San Diego prior to 1871.

The proposal is for an expansion of the existing Hacienda Hotel to add a three-story, twenty-eight-unit hotel with underground parking on a 0.59 acre portion of the larger 3.52 acre hotel site. The lease with the County requires that forty-one parking spaces be provided for public use. The minimum parking requirement for the proposed twenty-eight-unit hotel, existing hotel and Acapulco Restaurant is 216 parking spaces. The project is proposing 257 parking spaces, of which forty-one spaces will be designated for public parking by the Park Operations of the County of San Diego. The underground parking garage for the expansion will include twenty-eight parking spaces, the two levels above the parking garage will include twenty-eight hotel rooms, storage and office area. Access to the garage will be at grade by a 20-foot wide driveway located on the northwest side of the property of off Harney Street. Exterior building materials consist of stucco, wood architectural features and a tile roof. The architecture style is early Californian and is consistent with the Old Town Architectural and Site Development Standards and Criteria and is compatible with the adjacent Hacienda Hotel. On August 16, 2001 the Old Town Design Review Board voted 5 to 0 in support of the project as proposed.

4. The proposed development will conform with the City's Progress Guide and General Plan and the adopted Old Town San Diego Community Plan.

The Old Town San Diego Community Plan states that "an existing potential of economic growth exists for the development and operation of hotel establishments in the Old Town area." Because Old Town San Diego has continued to develop as a visitor-oriented destination point, the need for hotels within walking distances to the State Park, County Park, Presidio Park, and the community's commercial element has continued to increase. The hotel expansion is consistent in scale and character with the Old Town San Diego Community Plan and Planned District Ordinance.

The economic success of the Hacienda Hotel was not anticipated, nor was the hotel's positive impact on the visitor-oriented activities of the community. The continued economic

health of the Hacienda Hotel provides Old Town San Diego with a high level of visitor activity and discretionary dollar distribution for the public and commercial elements of the community. The Hacienda Hotel is currently experiencing an economic demand that can not be satisfied without expansion. Not to expand may result in an economic loss for the hotel and, subsequently, the Old Town community as visitors and tourists look elsewhere to stay and spend their discretionary dollars while visiting San Diego.

II. SITE DEVELOPMENT PERMIT FINDINGS (SAN DIEGO MUNICIPAL CODE SECTION 126.0500)

1. The proposed development will not adversely affect the applicable land use plan.

The existing Hacienda Hotel located at 4041 Harney Street covers 2.93 acres, in addition to a leased 0.59 acre parcel of County property for a total of 3.52 acres. The 3.52 acre site is occupied by a forty-one-space San Diego County public parking lot, an existing 154-unit Best Western Hotel, a restaurant, a ten-unit condominium, a commercial retail building and associated parking and was permitted under Old Town San Diego Planned District Permit No. 96-0066. The entire site is designated Multi-Family Residential in the Old Town San Diego Community Plan. Because the hotel was in existence when the community plan update was last adopted in 1987, both the hotel and parking lot were determined to be a non-conforming uses and were "grandfathered" as legal, non-conforming uses. The proposed community plan amendment would change the land use designation from multi-family residential to hotel to bring the uses into conformance with the plan.

2. The proposed development will not be detrimental to public health, safety, and welfare.

The proposed development is to construct a three-story, twenty-eight-room hotel addition with underground parking to the existing Hacienda Hotel located at 4045 Harney Street. The architectural style of the project is early Californian and is complementary to the existing Hacienda Hotel and adjacent State Park. The permit controlling development and continued use of the site contains conditions that will ensure compliance with applicable City's regulations. Implementation of the permit will ensure that the proposed development will not have detrimental impacts to the health, safety and welfare of persons residing and/or working in the area.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

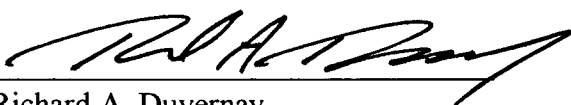
The proposed site is governed by the Old Town San Diego Community Planned District Ordinance, the Old Town San Diego Architectural and Site Development Standards and Criteria, and a Site Development Permit. The proposed development includes a concurrent community plan amendment to change the existing land use designation from multi-family residential to hotel and a rezone from the Old Town San Diego Planned District's Multi-Family Zone to the Rosecrans Zone, which permits hotel use. Once the community plan amendment and rezone are

approved, the proposed hotel expansion will comply with the applicable development regulations of the Land Development 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 Site Development Permit/Old Town San Diego Planned District Permit No. 40-0973 is granted to Hacienda Hospitality Holdings, LLC, 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

RAD:lc
12/19/01
Or.Dept:Clerk
R-2002-852
Form=permitr.frm
Reviewed by Patricia Grabski

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

HACIENDA HOTEL
SITE DEVELOPMENT PERMIT/
OLD TOWN SAN DIEGO PLANNED DISTRICT PERMIT NO. 40-0973
(AMENDMENT TO PERMIT NO. 96-0641)
CITY COUNCIL

This permit is granted by the Council of the City of San Diego to Hacienda Hospitality Holdings, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 103.0200. The 3.52-acre site is located at 4045 Harney Street in the Rosecrans Zone of the Old Town San Diego Planned District in the Old Town Community Plan area. The project site is legally described as Block 480, portion of Lot 2 in the City of San Diego, County of San Diego, State of California; Portion of Lots 1, 2, and 3 of 480 and a portion of Lots 1, 2 and 3 of Block 491 of Old San Diego, including vacated portions of Conde and Arista Streets adjoining said Lots in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the office of the County Recorder of San Diego County, December 12, 1921, and known as Miscellaneous Map No. 40; All of Lot 4, Block 480 of Old San Diego, excepting the southeasterly 50 feet of said lot lying southeasterly of the right-of-way of the San Diego Electric Railway Company, and also that portion of the northeasterly half of Conde Street lying southeasterly of and adjoining said Lot 4 and lying northeasterly and adjoining the northeasterly line of the aforesaid right-of-way of the San Diego Electric Railway Company as vacated and closed to public use on January 10, 1916 by Resolution No. 20943 of the Common Council of the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the office of the County Recorder of San Diego County, December 12, 1921 and know as Miscellaneous Map No. 40.

Subject to the terms and conditions set forth in this permit, permission is granted to Hacienda Hospitality Holdings, LLC, Owner/Permittee, to construct a three-story, twenty-eight-unit hotel and to amend Old Town San Diego Planned District Permit No. 96-0641 to convert ten apartment units to ten hotel rooms and to designate nine parking spaces located at 4041 Harney Street for the exclusive use of the new twenty-eight-unit hotel as described, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated November 27, 2001, on file in the Development Services Department. The facility shall include:

- a. Construction of a three-story, twenty-eight-unit hotel with parking at the street level;

- b. Landscaping (planting, irrigation and landscape related improvements); and
 - c. A total of 257 off-street parking spaces shall be permanently maintained on the property within the approximate location shown on the Exhibit "A," dated November 27, 2001, on file in the Development Services Department. A minimum of 216 parking spaces of the total 257 spaces shall be maintained for the uses on the project site, and the remaining forty-one spaces are designated for public parking by the Park Operations of the County of San Diego; and
 - d. 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 Land Development Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC 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. 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.

8. 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 27, 2001, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. 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" conditions(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 new 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration, LDR No. 40-0973, satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading permits or building permit, all mitigation measures as specifically in the MMRP shall be implemented for Historical Resources (Archaeology and Paleontological Resources).

ENGINEERING REQUIREMENTS:

11. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of damaged sidewalk with City standard sidewalk, on Juan Street, per Standard Drawings G-7, G-9 and G-10, satisfactory to the City Engineer.
12. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of a 6-foot fence consistent with the Old Town San Diego Planned District along the top of the slope on Juan Street, satisfactory to the City Engineer.
13. The drainage system as shown on the approved plans is subject to approval of the City Engineer.
14. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed with this project. All grading shall conform to requirements in accordance with grading sections of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
15. 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 by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
16. 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.
17. Faults discovered during grading of the site shall be evaluated and analyzed for activity level by the geotechnical consultant with detailed reports submitted subject to review and approval by City Geology staff prior to issuance of building permits. The precise as-graded location of the fault(s), shall be shown on the Final As-Graded plans subject to review and approval by City Geology staff. No structure for human occupancy shall be permitted over the trace of an active fault.

PLANNING/DESIGN REQUIREMENTS:

18. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing 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 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 the Land Development Code 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 signage associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," dated November 27, 2001, on file in the Development Services Department); or
- b. Citywide sign regulations.

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

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

26. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

27. 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 six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

28. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or

enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

29. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC Chapter 14, Article 2, Division 8) 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 27, 2001, on file in the Development Services Department.

30. All proposed on-site sewer facilities will be private.

31. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

32. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

LANDSCAPE REQUIREMENTS:

33. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

34. 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 27, 2001, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

35. 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 27, 2001, on file in the Development Services Department.

36. 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 feet 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 27, 2001, on file in the Development Services Department.

37. 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. 40-0973 and Exhibit "A," Landscape Concept Plan, dated November 27, 2001, on file in the Development Services Department.

38. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this permit.

39. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements consistent with the Landscape Standards unless long-term maintenance of right-of-way 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.

40. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

INFORMATION ONLY

40. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on November 27, 2001, by Resolution No. R-295789.

12/19/01
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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.

HACIENDA HOSPITALITY HOLDINGS, LLC
Owner/Permittee

By _____

By _____

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

12/19/01
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