

RESOLUTION NUMBER R-299409

ADOPTED ON JUNE 29, 2004

WHEREAS, the Redevelopment Agency of the City of San Diego, Owner, and McMillin Land Development, LLC, Permittee, filed an application with the City of San Diego for a site development permit to relocate three historic buildings (Nos. 158, 159, and 207) from their current location within the Naval Training Center [NTC] National Register Historic District to a new location within the NTC National Register Historic District, in accordance with the U.S. Secretary of the Interior's Standards. The project, to be known as the Liberty Station is located easterly of Truxton Road, between Womble Road and Roosevelt Road, and legally described as Parcel 5 of Parcel Map 18941, within the Mixed-Use Subarea of the NTC Precise Plan and Local Coastal Program, in the Peninsula Community Plan area and NTC Historic District, in the CR-1-1 Airport Environs Overlay and Coastal Overlay zones; and

WHEREAS, on January 15, 2004, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] Permit No. 57640, and pursuant to the Land Development Code of the City of San Diego and denied the project, finding that: 1) the proposed site location of the relocated structures may interfere with minor view corridors between the existing buildings, and 2) were uncertain whether the project was the least disruptive alternative available; and

WHEREAS, on January 30, 2004, the Planning Commission decision was appealed by the Permittee and the matter was set for public hearing before the City Council of the City of San Diego; and

WHEREAS, on June 29, 2004, the City Council of the City of San Diego considered the appeal of the Planning Commission decision to deny Site Development Permit No. 57640 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP Permit No. 57640:

A. SITE DEVELOPMENT PERMIT FINDINGS:

1. The proposed development will not adversely affect the applicable land use plan for the subject property. The proposed project involves the relocation of three historic buildings (Nos. 158, 159, and 207) from their current location within the Naval Training Center [NTC] National Register Historic District to a new location within the NTC National Register Historic District in accordance with the U.S. Secretary of the Interior's Standards. Subsequent to Planning Commission denial of the project and in order to address Commissioners' concerns that the proposed location of the relocated structures may interfere with minor view corridors between existing buildings No. 29 and No. 208, the area of relocation for Building No. 207 was modified from a side-by-side relationship with Building No. 159, to a stacked configuration. The relocation of Building No. 207 adjacent to the north and east of existing Building No. 29 will retain minor public views from Truxton Road towards the Promenade and boat channel. The relocation of the structures is consistent with *The Naval Training Center San Diego Guidelines for the Treatment of Historic Properties* and will not adversely affect the adopted NTC Precise Plan and Local Coastal Program for the subject property, which designates the site for mixed-use development.

2. The proposed development will not be detrimental to the public health, safety and general public welfare. The proposed project includes mitigation measures to offset potential impacts to the environment in the area of Historical Resources (Architectural). Conditions of Site Development Permit No. 57640 include the need to fully comply with all building code requirements and the adopted Mitigation Monitoring and Reporting Program [MMRP] outlined in the Mitigated Negative Declaration (PTS 9735/ SCH No. 2003081165). Compliance with the building code will ensure all life safety issues are addressed and have been incorporated into the relocation project. The MMRP will ensure that the relocated structures retain their historic compass direction orientation, and that the placement of the buildings intact on their new sites retains their existing materials, features and accesses. All such work will be monitored on-site by a qualified Architectural Historian. Subsequent to Planning Commission denial of the project and in order to address Commissioners' concerns that the proposed location of the relocated structures may interfere with minor view corridors between the existing buildings No. 29 and No. 208, the area of relocation for Building No. 207 was modified from a side-by-side relationship with Building No. 159, to a stacked configuration. The

relocation of Building No. 207 adjacent to the north and east of existing Building No. 29 will retain minor public views from Truxton Road towards the Promenade and boat channel. These measures have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.

3. The proposed development will comply with the applicable regulations of the city's land development code. The Site Development Permit regulating the activity of relocating three historic buildings (Nos. 158, 159, and 207) from their current location within the NTC National Register Historic District to a new location within the NTC National Register Historic District includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the City's Land Development Code in effect for this project, including the need to fully comply with all building code requirements and the adopted Mitigation Monitoring and Reporting Program [MMRP] outlined in the Mitigated Negative Declaration (PTS 9735/ SCH No. 2003081165). Additionally, conditions of Site Development Permit No. 57640 will ensure the project is consistent with the U.S. Secretary of the Interior's Standards. The project complies with the development regulations in effect for the subject property per *The Naval Training Center San Diego Guidelines for the Treatment of Historic Properties*, the NTC Precise Plan and Local Coastal Program Land Use Plan and the City's Land Development Code.

B. COASTAL OVERLAY ZONE

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally utilized by the general public or any proposed public accessway identified in an adopted 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 proposed project involves the relocation of three historic buildings (Nos. 158, 159, and 207) from their current location within the NTC National Register Historic District to a new location within the NTC National Register Historic District. Immediately east of the project site lies the Promenade, a green-scape area currently under development and identified in the NTC Precise Plan and Local Coastal Program as a proposed public accessway. Neither the current location of the buildings, nor their proposed areas of relocation within the complex of existing buildings, encroaches into the designated Promenade area. The project site does not contain views to or along the ocean. The NTC boat channel is considered a scenic coastal area. Subsequent to Planning Commission denial of the project and in order to address Commissioners' concerns that the proposed location of the relocated structures may interfere with minor view corridors between the existing buildings No. 29 and No. 208, the area of relocation for Building No. 207 was modified from a side-by-side relationship with Building No. 159, to a stacked configuration. The relocation of Building No. 207 adjacent to the north and east of existing Building No. 29 will retain minor public views from Truxton Road towards the Promenade and boat channel. Therefore, the relocated buildings will not obstruct views of the boat channel and public view corridors identified by the NTC Precise Plan and Local Coastal Program will be protected.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The current locations of the three historic utility buildings, and their proposed areas of relocation amongst the complex of existing buildings within the NTC National Register Historic District, are previously graded and do not contain any environmentally sensitive lands. Therefore the proposed development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified local coastal program land use plan and complies with all the regulations of the certified implementation program. The NTC Precise Plan and Local Coastal Program and *The Naval Training Center San Diego Guidelines for the Treatment of Historic Properties* are the adopted policy documents applicable to the project site. Conditions of Site Development Permit No. 57640 and the adopted MMRP will ensure that the relocated structures retain their historic compass direction orientation, that the placement of the buildings on their new sites retains their existing materials, features and methods of access, and that the project is consistent with the U.S. Secretary of the Interior's Standards. Protection of the historic integrity of the structures will ensure their availability for successful future adaptive reuse. Subsequent to Planning Commission denial of the project and in order to address Commissioners' concerns that the proposed location of the relocated structures may interfere with minor view corridors between the existing buildings No. 29 and No. 208, the area of relocation for Building No. 207 was modified from a side-by-side relationship with Building No. 159, to a stacked configuration. The relocation of Building No. 207 adjacent to the north and east of existing Building No. 29 will retain minor public views from Truxton Road towards the Promenade and boat channel. The proposed building relocations are in conformity with the NTC Precise Plan and Local Coastal Program and comply with the regulations of the certified Implementation Program.

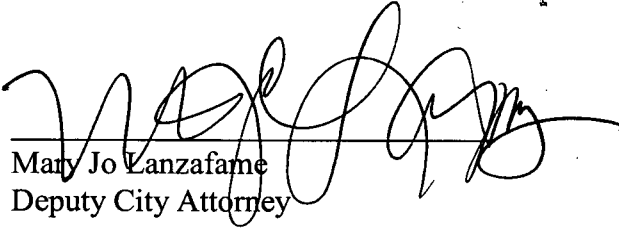
4. For every coastal development permit issued for any coastal development located between the nearest public road and the sea, or the shoreline of any body of water located within the coastal overlay zone; the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project allows the relocation of three historic utility buildings within the NTC National Register Historic District and does not require a coastal development permit. Nonetheless, the project will not interfere with public access or in any way hinder public utilization of surrounding public recreation areas. The proposed development is, therefore, in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED, that the appeal of McMillin Land Development, LLC, is granted; the decision of the Planning Commission is overruled; and Site Development Permit No. 57640 is granted to the Redevelopment Agency of the City of San Diego, Owner, and

McMillin Land Development, LLC, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
01/02/04
Or.Dept: DSD
R-2005-39
mms#244

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 57640
NTC HISTORIC BUILDINGS RELOCATION [MMRP]
CITY COUNCIL

This site development permit is granted by the City Council of the City of San Diego to McMillin Land Development, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504 The site is located easterly of Truxton Road, between Womble Road and Roosevelt Road in the CR-1-1 zone and Airport Environs Overlay, Coastal Overlay Zone of the Peninsula Community Plan area. The project site is legally described as Parcel 5 of Parcel Map No. 18941.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to relocate three historic buildings (Nos. 158, 159, and 207) from their current location within the Naval Training Center [NTC], described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 29, 2004, on file in the Development Services Department. The exhibits, referred to as Exhibit "A," are identified as follows:

A-1: "Liberty Station (Naval Training Station) Relocation of
Buildings 158, 159 and 207"

The project or facility shall include:

- a. Relocation of three historic buildings (Nos. 158, 159, and 207) from their current location within the Naval Training Center [NTC] National Register Historic District to a new location within the NTC National Register Historic District as identified on Exhibit "A" dated June 29, 2004;
- b. 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 SDMC in effect for this site;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities; and

STANDARD REQUIREMENTS:

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 agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] 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 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 permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A,"-June 29, 2004. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining 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 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 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

11. As conditions of Site Development Permit No. 57640, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, PTS No. 9735 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Owner/Permittee comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration, PTS No. 9735 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Historical Resources (Architectural)

13. The MMRP shall require a deposit of \$1000.00 to be collected prior to the issuance of the site development permit to cover the City's costs associated with implementation of the MMRP.

LANDSCAPE REQUIREMENTS:

14. Timely erosion control, including planting and seeding of any disturbed areas associated with the structure relocations and consistent with the approved plans, is considered to be in the public interest. Owner/Permittee shall initiate such measures within thirty days from the date that the relocation of the buildings on site is deemed to be complete. Interim landscape and erosion control measures and any associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the Land Development Manual and to the satisfaction the City's Historic Resources Section. All landscape shall be maintained in a disease, weed, and litter free condition at all times.

PLANNING/DESIGN REQUIREMENTS:

15. 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.

16. 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.

17. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

18. 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.

19. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement.

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

21. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely

enclosed architecturally integrated structure in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties and The Naval Training Center San Diego Guidelines for the Treatment of Historic Properties, satisfactory to the City Manager.

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 by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on June 29, 2004 by Resolution No. R-299409.

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.

REDEVELOPMENT AGENCY of the
CITY OF SAN DIEGO

Owner

By _____

By _____

MCMILLIN LAND DEVELOPMENT,
LLC

Owner/Permittee

By _____

By _____

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