

RESOLUTION NUMBER R-300077

ADOPTED ON JANUARY 25, 2005

WHEREAS, Las Vegas II Storage, LLC, Brian R. Caster, Manager, Owner/Permittee, filed an application with the City of San Diego for a planned development permit, site development permit and rescission of Mission Valley development and resource protection ordinance permit to construct, maintain and operate an approximately 139,500 square-foot, 4-story self-storage facility, with basement, known as the A-1 Self-Storage project, on portions of a 1.92-acre site, located at 2231-2245 Hotel Circle South, and legally described as Parcel A: Lot 1 of A.S.C. Subdivision Map 8720 and Parcel B: Portion of Pueblo Lot No. 1120 of Pueblo Lands, in the Mission Valley Planned District and Mission Valley Community Plan area, in the MV-CO-CV zone; and

WHEREAS, on September 16, 2004, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 39904, Site Development Permit No. 39906, and the rescission of Mission Valley Development/Resource Protection Ordinance [MVD/RPO] Permit No. 98-0455, and pursuant to Resolution No. 3390-PC voted to recommend City Council approval of the Permits and the rescission of MVD/RPO Permit No. 98-0455; and

WHEREAS, the matter was set for public hearing on January 25, 2005, 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 PDP No. 39904, SDP No. 39906 and the rescission of MVD/RPO Permit No. 98-0455:

A. **PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE**
[SDMC] SECTION 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The self-storage industry has evolved into a mainstream element for most residents and many small retail businesses. In many communities where land availability is limited, residential development has become smaller in size and living areas have become more available. The self-storage industry has responded to this demand by developing facilities located close to where their customer live and work, and other locations they frequent. Accordingly, self-storage has become an element to manage growth in communities, including Mission Valley. Not providing for adequate land for self-storage development within the goals and objectives of a well-planned community and General Plan omits a critical element of meeting the growth and development needs of many communities, including Mission Valley. The provision for these self-storage uses to serve increasing residential uses in the Mission Valley Community requires an amendment to the Mission Valley Community Plan. An amendment to the Plan to accommodate these uses is therefore desirable and necessary to serve the increasing residentially developed properties in the Mission Valley Community.

With the approval of the requested amendment to the Mission Valley Community Plan, it is determined that the provision of self-storage use in the manner proposed will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development has minimal demand on public resources and is a low traffic generator. The project will be reviewed and constructed for/in compliance with all applicable codes and ordinances, and will not be detrimental to the public health, safety and welfare.

3. **The proposed development will comply with the regulations of the Land Development Code.** Staff has reviewed the project and determined that it is in compliance with all applicable ordinances and policies of the City of San Diego. In addition, prior to issuance of any grading or building permits, project working drawing will be reviewed for compliance with all applicable uniform Codes, ordinances and policies of the City, in addition to the project as approved by the decisionmaker.

4. **The proposed development, when considered as a whole, will be beneficial to the community.** Since the adoption of the Mission Valley Community Plan in 1985, the general pattern of growth within the Mission Valley Planned District has been to intensify the residential and commercial development. Although this residential and commercial growth in Mission Valley was contemplated with the General Plan and the Mission Valley Community Plan, the Community Plan did not provide for a similar increase in demand for consumer and business

storage that has paralleled the high density housing and retail growth in the District. Many residents utilize their porches and balconies for storing personal items such as furniture, boxes, bicycles and equipment. Therefore a demand has been created for self-storage. The proposed development, intended to accommodate this demand, will be beneficial to the community.

5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development is a quiet, low-generating traffic use with no roof top development. The project will be designed to appear as an aesthetically pleasing office building. The site is considered a remnant lot, and due to the oddly configured site, any other use will require parking to be at the rear of the project, such as the previously approved hotel use for this site. This could result in additional noise due to late night activities, and other issues associated with parking lots, adjacent to the environmentally sensitive lands and residential development located southward, in Mission Hills. The proposed use is preferred rather than the uses allowed by the current zoning and no deviations to the development regulations of the zone, or any other pertinent regulations of the Municipal Code is required. The proposed development is more desirable than a project designed in strict conformance with the development regulations of the applicable zone.

B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The developer has worked closely with City staff for a substantial period of time on this project in an effort to achieve the proper language for amending the Community Plan. With this language and the lack of available land affected by the amendment, there will be no adverse effect on the land use plan. It is intended that the land use plan will be enhanced and updated, in an effort to accommodate the growing demand for this service.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development has minimal demand on public resources and is a low traffic generator. The project will be reviewed and constructed for/in compliance with all applicable codes and ordinances, and will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development has been reviewed for compliance with applicable codes, ordinances and policies and determined to be in compliance. Prior to issuance of grading or construction permits, the project will be reviewed for compliance with pertinent regulations, and field inspected to ensure that the construction meets the approved plans.

C. SUPPLEMENTAL FINDINGS--ENVIRONMENTALLY SENSITIVE LANDS

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed development is designed to appear as an aesthetically pleasing office building and is stepped down and terraced to the hillside as recommended by the Hillside

Guidelines in the Mission Valley Planned District. The allowable Floor Area Ratio for the site is 2.0. The proposed development has a Floor Area Ratio of 1.7, which is less than the maximum allowable. The footprint of the proposed development sits within the area previously graded under approved permits, and there will be no impact on sensitive habitat. The proposed development is located outside the Multiple Habitat Planning Area [MHPA] boundary and is in compliance with the Multiple Species Conservation Program [MSCP]. The design of the project has all the vehicular activity and lighting in the front of the building, shielding the sensitive lands from any disturbance. The proposed development is suitable for the site and will result in minimal disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The project has been extensively reviewed by staff and incorporates sensitive grading techniques which are consistent with the grading pattern established by the previously approved discretionary project. The proposed development will not make any alteration to the natural land forms, and will not result in undue risk from geologic and erosional forces, flood hazards or fire.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The footprint of the proposed development sits completely within the area previously graded, and there will be no impact on sensitive habitat. The project is designed with the south facing wall to be of 4-hour construction and a non-combustible metal roof which eliminates the need for brush management within the MHPA lands, and the shielding of external lighting adjacent to habitat will eliminate any impact. Therefore, the proposed development will be designed to prevent adverse impacts to environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's MSCP Subarea Plan. The project has been reviewed and determined to be in compliance with the City's MSCP Subarea Plan.

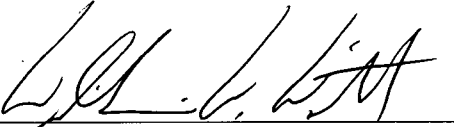
5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. Staff reviewed the project and determined that the site is not located near any public beaches nor the shoreline of the coast. Therefore, the project will not contribute to the erosion of public beaches or adversely impact the local shoreline sand supply. All drainage is designed to remain on the site, or flow into established drainage systems.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Mitigation measures have been incorporated into the Mitigated Negative Declaration to reduce impacts to biological, historical (archaeology) and paleontological resources to a level of insignificance.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 39904, Site Development Permit No. 39906 and the rescission of Mission Valley Development/Resource Protection Ordinance Permit No. 98-0455 is granted to Las Vegas II Storage, LLC, Brian R. Caster, Manager, Owner/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 
William W. Witt
Deputy City Attorney

WWW:pev
03/02/05
Or.Dept:Clerks
R-2005-785
MMS #1200
PERMIT - Permit Resolution 11-01-04

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

PLANNED DEVELOPMENT PERMIT NO. 39904
SITE DEVELOPMENT PERMIT NO. 39906
RESCISSION OF MISSION VALLEY DEVELOPMENT AND
RESOURCE PROTECTION ORDINANCE PERMIT NO. 98-0455
A-1 SELF STORAGE – PROJECT NO. 14953 - MMRP
CITY COUNCIL

This Planned Development Permit [PDP] No. 39904, Site Development Permit [SDP] No. 39906, and rescission of Mission Valley Development/ Resource Protection Ordinance [MVD/RPO] Permit No. 98-0455 is granted by the Council of the City of San Diego to Las Vegas II Storage, LLC, Brian R. Caster, Manager, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0601 and 126.0501. The 1.92-acre site is located at 2231-2245 Hotel Circle South in the MV-CO-CV (Commercial-Office and Commercial Visitor) zone of the Mission Valley Planned District and Mission Valley Community Plan Area. The project site is legally described as Parcel A: Lot 1 of A.S.C. Subdivision, Map 8720 and Parcel B: Portion of Pueblo Lot No. 1120 of Pueblo Lands.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct, maintain and operate an approximately 139,500 square-foot, 4-story self-storage facility, with basement, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated January 25, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. One 4-story self-storage facility, with basement, maximum 139,558 square-foot, with a 948 square-foot office area;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; 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 SDMC in effect for this site.

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. 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.
7. 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." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
8. 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" 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.

9. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

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 Planned Development Permit No. 39904 and Site Development Permit No. 39906, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, LDR No. 14953 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration, LDR No. 14953 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:

- Biological Resources
- Historical Resources (Archaeology)
- Paleontological Resources

13. Long Term Permit Monitoring Fee. Prior to the issuance of any construction permit, the Applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Department Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

14. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

ENGINEERING REQUIREMENTS:

15. With the recordation of this/these Permit(s), the original recorded permit MVP/RPO No. 98-0455 (Doc No. 1999-0429749 dated June 18, 1999) shall be rescinded and be of no further force or effect.

16. At no time shall there be more than one open grading permit for the same area of land. Grading Permit No. W-48775, J.O. 990623, Drawing No. 30056-D shall either be closed and a new set of construction plans processed; or a "Construction Change" to these existing plans, reflecting all changes will be processed satisfactory to the City Engineer.

17. Prior to the issuance of any building permits, the Owner/Permittee shall grant an Irrevocable Offer to Dedicate [I.O.D.] frontage along Hotel Circle South to provide 50 feet of pavement and a 10-foot curb to property line. The net I.O.D. will equal 10 feet in width (as measured from the north property line) and is comprised of 6 feet existing I.O.D., per S.D. County recorded document 00-583233, plus 4-feet of new I.O.D. In addition the Owner/Permittee shall enter into a Deferred Improvement Agreement for future street widening, and provide interim pavement, curb gutter and sidewalk for the unimproved 95 feet of Hotel Circle South to match existing improvements all satisfactory to the City Engineer.

18. Prior to the issuance of any building permits, the applicant shall assure by permit and bond, the installation of two 30 foot-wide standard driveways on Hotel Circle South satisfactory to the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the installation of two D-25 sidewalk underdrains on Hotel Circle South satisfactory to the City Engineer.

20. 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.

21. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and a NOI shall be filed with the SWRCB.

22. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance, satisfactory to the City Engineer.

23. Prior to the issuance of any construction permit, the applicant shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

24. Prior to the issuance of any construction permit the applicant shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

LANDSCAPE REQUIREMENTS:

25. 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." No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

26. 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 Development Plan.

27. 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 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.

28. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with the Exhibit "A," Landscape Development Plan.

29. Prior to issuance of any engineering permits for grading, construction documents for slope planting (if applicable) or revegetation including hydroseeding and 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 with Exhibit "A."
30. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.
31. 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. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.
32. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty 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 or an increased number) to the satisfaction of the City Manager.
33. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.
34. Prior to issuance of any construction permits for structures (including shell), complete construction documents shall be submitted that show a metal roof and 4-hour rated exterior wall on the back and sides of the structure to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

35. 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.

36. 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.

37. 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.

38. 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.

39. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

40. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

41. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/ Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

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

43. All uses, except storage and loading, shall be conducted entirely within an enclosed building.
44. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, 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.
45. Prior to issuance of building permits, revised plans shall be submitted indicating that the roof of the building shall comprise a grey/green color. This condition is intended to address sustainability and visual impacts of the project by reducing reflectivity and improving aesthetics.
46. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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."

WASTEWATER REQUIREMENTS:

47. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Public facilities that do not meet the current standards shall be re-designed.
48. 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.

WATER REQUIREMENTS:

49. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway in a manner satisfactory to the Director of the Water Department and the City Engineer.
50. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Director of the Water Department and the City Engineer.
51. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

52. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

TRANSPORTATION DEVELOPMENT REQUIREMENTS:

53. No fewer than fourteen off-street parking spaces and three off-street loading spaces should be maintained permanently on the property in the approximate location shown on the site plan. All parking and loading space dimensions shall conform to the Land Development standards and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager.

54. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

MULTIPLE SPECIES CONSERVATION PROGRAM [MSCP] REQUIREMENTS:

55. Third Party Beneficiary Status: The 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. Section 1531 et seq.).

56. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the MSCP, the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA.

57. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of

mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

58. Drainage: Drainage shall be directed away from the Multiple Habitat Planning Area [MHPA], or if not possible, shall not drain directly into the MHPA. Instead, drainage shall be directed into sedimentation basins, grassy swales, or mechanical trapping devices prior to discharge into the MHPA.

59. Lighting: Lighting shall be directed downward and away from the MHPA, and shielded if necessary to minimize impacts to the MHPA.

60. Landscaping/Invasives: No invasive non-native plant species shall be planted in or adjacent to the MHPA.

61. Noise: Noise impacts related to construction will need to be avoided, if possible, during the breeding season of the California gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for these species, surveys will be required to determine presence or absence prior to the issuance of grading permits. If none of these species are identified within the MHPA no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms.

If a survey is not conducted and construction is proposed during the breeding season, presence would be assumed and a temporary wall/berm would be required. Noise levels from construction activities during the bird breeding season should not exceed 60 dBA hourly LEQ at the edge of the MHPA or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ.

62. MHPA Conveyance - Prior to recordation of the first final map and/or issuance of any grading permits, the on-site MHPA shall be conserved and conveyed to the City's MHPA through either dedication in fee to the City, OR placement in a conservation easement OR covenant of easement, which is then recorded on the property.

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.

A Development Impact Fee of \$49,800 is required for this project and is due at the time of building permit issuance. This fee is based upon the determination that the project will result in an increase of 141,602 square feet over what is currently existing on the site.

A Housing Trust Fund [HTF] impact fee of \$38,300 on nonresidential development is required for this project and is due at the time of building permit issuance. This fee is based on a rate of \$0.27 per square foot of storage use. Pursuant to Ordinance

No. 0-17454, the HTF impact fee is dedicated to the provision of affordable housing and is administered by the San Diego Housing Commission.

APPROVED by the City Council of the City of San Diego on January 25, 2005 by Resolution No. 300077.

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.

LAS VEGAS II STORAGE, LLC
Owner/Permittee

By _____
Brian R. Caster, Manager

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04