

RESOLUTION NUMBER R-300252

ADOPTED ON MARCH 15, 2005

WHEREAS, the Redevelopment Agency of the City of San Diego, Owner, and McMillin-NTC, LLC, Master Developer/Lessee, and Liberty Station Huntington Hospitalities Group [HHG] Hotel, L.P., Permittee, filed an application with the City of San Diego for a planned development permit to develop a 350-room visitor hotel facility known as the Liberty Station Resort Hotel project, located west of the boat channel at the intersection of Laning Road and North Harbor Drive, and legally described as Lots 1 – 10 of NTC Unit 7, Map No. 14771, in the Visitor Hotel subarea of the Naval Training Center [NTC] Precise Plan and LCP, in the Peninsula Community Plan area, in the CV-1-1 zone, Airport Environs Overlay zone, Airport Approach Overlay zone and Coastal Overlay (State Coastal jurisdiction) zone; and

WHEREAS, on December 16, 2004, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] Permit No. 33123, and pursuant to Resolution No. 3618-PC voted to approve the project; and

WHEREAS, on January 3, 2005, the Peninsula Community Planning Board appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on March 15, 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 Planned Development Permit No. 33123:

A. PLANNED DEVELOPMENT PERMIT

1. **The proposed development will not adversely affect the applicable land use plan.** The 20.88-acre subject property is located west of the boat channel in the CV-1-1 zone and Visitor Hotel Subarea of the Naval Training Center [NTC] Precise Plan and Local Coastal Program [LCP] within the Peninsula Community Plan area. The underlying CV-1-1 zone provides areas for a mix of large-scale, visitor-serving uses catering to the lodging, dining, and recreational needs of both tourists and the local population. The new 350-room visitor hotel facility will be developed through a Planned Development Permit [PDP] to facilitate comprehensive planning of the site, including incorporation of NTC Precise Plan recommendations regarding the integration of existing Building 623 and the historic U.S.S. Recruit into the hotel site, architectural design, signage, protection of public views and promotion of public coastal access through the NTC site, traffic and parking management and implementation of the 150-foot wide public Esplanade along the edge of the NTC boat channel. The project has been designed in a style reminiscent of the Spanish colonial architecture of NTC, and the buildings have been designed to step back from the water's edge and away from the U.S.S. Recruit. Pedestrian-oriented entrances face the boat channel inviting the general public into the hotel vicinity and gardens. The project has been designed to be consistent with the adopted NTC Precise Plan and Local Coastal Program Land Use Plan and no adverse impacts to the plan will occur as a result of project implementation.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Planned Development Permit prepared for the new 350-room visitor hotel facility 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. Such conditions 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. An Addendum to Environmental Impact Report No. 99081140 (LDR 9113), has been prepared for the project in accordance with State of California Environmental Quality Act [CEQA] Guidelines. A revised Mitigation, Monitoring and Reporting Program [MMRP] has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process, excepting previously identified cumulative impacts to transportation and circulation. Conditions of Planned Development Permit No. 33123 include the need to fully comply with all building code requirements and the adopted MMRP outlined in Addendum to Environmental Impact Report No. 99081140 (LDR 9113). Compliance with building code will ensure all life safety issues are addressed and have been incorporated into the project. Under the terms of the aforementioned project conditions, the development will not be detrimental to the health, safety and general welfare of persons residing or working in the surrounding area.

3. **The proposed development will comply with the regulations of the Land Development Code.** Specific conditions of approval within Planned Development Permit No. 33123 require compliance with all relevant regulations of the San Diego Municipal Code [SDMC]/San Diego Land Development Code in effect for this site. Located at the southwestern end of the project site along North Harbor Drive, the U.S.S. Recruit is a 6,910 square foot, land-bound replica of a destroyer escort [DE] Class Navy ship formerly used for training purposes at

NTC. The U.S.S. Recruit was built in 1949 and is an integral portion of the NTC historic landscape and is designated as a contributing structure to the NTC Historic District as listed on the National Register of Historic Places. The project has been designed and conditioned to ensure that the historic U.S.S. Recruit is treated in a manner 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.

4. **The proposed development, when considered as a whole, will be beneficial to the community.** The hotel property was conveyed from the Navy to the City in 2000 through an Economic Development Conveyance [EDC], which stipulated that the property be used for long-term job creation and economic revitalization. The hotels were included in the Reuse Plan to provide visitor amenities in close proximity to the airport and San Diego Bay and to provide a source of revenue for the City. The proposed resort hotel development, when considered as a whole, will be beneficial to the community in that it will meet and promote the policy recommendations stated in the NTC Precise Plan regarding the integration of existing Building 623 and the historic U.S.S. Recruit into the hotel site, architectural design, signage, protection of public views, promotion of public coastal access through the NTC site, traffic and parking management and implementation of the 150-foot wide public Esplanade along the edge of the NTC boat channel. The project has been designed in a style reminiscent of the Spanish colonial architecture of NTC, and the buildings have been designed to step back from the water's edge and away from the U.S.S. Recruit. Pedestrian-oriented entrances face the boat channel and will invite the general public into the hotel vicinity and gardens

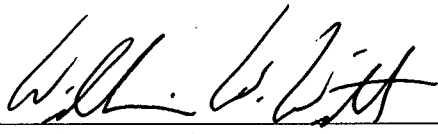
5. **Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project does not propose any deviations San Diego 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 appeal of the Peninsula Community Planning Board is denied; the decision of the Planning Commission is sustained; and Planned Development Permit No. 33123 is granted to the Redevelopment Agency of the City of San Diego, Owner, McMillin-NTC, LLC, Master Developer/Lessee, and Liberty Station Huntington

Hospitalities Group [HHG] Hotel, L.P., 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
05/03/05
Or.Dept:Clerk
R-2005-1069
MMS #1637
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. 33123
LIBERTY STATION RESORT HOTEL – PROJECT NO. 19159 [MMRP]

CITY COUNCIL

This Planned Development Permit No. 33123 is granted by the Council of the City of San Diego to the Redevelopment Agency of the City of San Diego, Owner and McMillin-NTC, LLC, Lessee, and Liberty Station Huntington Hospitalities Group [HHG] Hotel, L.P., Permittee, pursuant to the San Diego Municipal Code [SDMC]. The approximately 20.88-acre site is located west of the boat channel at the intersection of Laning Road and North harbor Drive in the CV-1-1 zone, Airport Environs Overlay zone, Airport Approach Overlay zone and Coastal Overlay (State Coastal jurisdiction), in the Visitor Hotel subarea of the Naval Training Center [NTC] and within the Peninsula Community Plan area. The project site is legally described as Lots 1 – 10 of NTC Unit 7, Map No. 14771.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a new 350-room visitor hotel facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated March 15, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of a 137,200 square foot 200-room, 4-story visitor hotel;
- b. Construction of a 123,1200 square foot 150-room, 4-story extended stay hotel;
- c. Construction of four 6,000 square foot visitor-oriented retail and restaurant buildings (24,000 square feet total with maximum of 12,000 square feet for restaurant use);
- d. Remodeling and adaptive reuse of the existing 33,000 square foot Building 623 (former Navy Support Center);

- e. Adaptive reuse, including exterior public plaza improvements, of Building 430 (U.S.S. Recruit) in accordance with the NTC Precise Plan and NTC Guidelines for the Treatment of Historic Properties.
- f. Off-street parking facilities, including an 818 vehicle parking lot with fifteen parking spaces specifically designated and reserved for public coastal access use, and provisions for an additional 100 parking spaces as outlined in Condition No. 63.
- g. Installation of new traffic signals at the Laning and Cushing Road intersection, and the Rosecrans Street and Farragut Road/Voltaire Street intersection to the satisfaction of the City Engineer;
- h. Landscaping (planting, irrigation and landscape related improvements) including installation of the 150-wide Esplanade along the site's boat channel frontage;
- i. ;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 Owner and 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. This Planned Development Permit shall become effective upon issuance of a Coastal Development Permit by the California Coastal Commission, as the project is within state tidelands under the coastal permitting jurisdiction of the California Coastal Commission.
8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. As conditions of Planned Development Permit No. 33123, the mitigation measures specified in the MMRP, and outlined in the Addendum to Environmental Impact Report No. 99081140 (LDR No. 19159) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in the Addendum to Environmental Impact Report No. 99081140 (LDR No. 19159) satisfactory to the City Manager and City Engineer. Prior to issuance of any construction or building permit(s) as appropriate, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Water Quality
- Traffic
- Noise
- Historical Resources (Archaeology)
- Health and Safety

14. The Mitigation, Monitoring, and Reporting Program [MMRP] shall require a deposit of \$1,100 to be collected prior to the issuance of any construction permit to cover the City's costs associated with implementation of the MMRP in accordance with the Long Term Monitoring Fees.

15. Prior to construction, a qualified biologist shall determine in consultation with the City's Environmental Review Manager, the potential for sensitive birds to exist within the project area to determine appropriate construction buffers and/or limits as necessary to mitigate potential impacts during construction. The buffer area would be selected to minimize noise impacts and visual disturbance to sensitive bird species and would determine if any construction restrictions are applicable.

16. Trash containers shall be covered to discourage intrusion by small mammals or scavengers such as gulls or crows.

17. Pursuant to San Diego Municipal Code, Chapter 14, Article 2, Division 7 section 142.0710, "Air Contaminant Regulations" which states, "Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located."

18. Commercial electric power from poles on or near the site shall be used during construction wherever feasible.
19. Construction vehicles shall limit speeds when traveling over unpaved areas to reduce dust emissions.
20. The City of San Diego Environmental Review Manager shall confirm that noise attenuation measures have been implemented in accordance with California Noise Standards, State Building Code - Title 24 prior to issuance of a certificate of occupancy.
21. Construction activities are subject to the noise limits as specified in the San Diego Municipal Code.
22. Soil disturbance requires monitoring for potential contamination. If contaminated soil is encountered, notification to the County Department of Environmental Health [DEH] is required to appropriately manage the contaminated soil.
23. If contaminated soil is encountered during excavation, procedures and notification processes shall be followed for a hazardous material spill or release to include at a minimum, notification of the local emergency response agency, (911, and/or the Hazardous Materials Division at 619-338-2284), and the Governor's Office of Emergency Services (1-800-852-7550 or 916-262-1621).
24. Chemicals (e.g., landscaping, pool supplies, cleaning supplies) shall be stored in enclosed areas with secondary containment to protect from direct access storm drains. Storage of large quantities of flammable materials is prohibited as the project site is within the Airport Approach Overlay Zone [AAOZ].
25. Employers are required to train employees on proper operating and waste management practices to minimize inputs to stormwater runoff.
26. Operations shall incorporate use of biodegradable cleaning compounds and absorbents to routinely clean paved areas to remove oil and grease. Parking lot cleaning shall be conducted in accordance with City Stormwater Standards.
27. Pool maintenance shall comply with the City of San Diego's Stormwater requirements indicating appropriate methodology prior to discharge of pool water into the City of San Diego's storm drain systems. Operational techniques include dechlorinating pool water; ensuring an acceptable pH level of 7-8 prior to discharge; ensuring that water contains no chemicals to counteract chlorine, and no hydrogen peroxide base products; and discharge of a flow rate that is controlled so no erosion problems will result.

ENGINEERING REQUIREMENTS:

28. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

29. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

30. Prior to the issuance of any construction permits, the applicant shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent [NOI] filed with the State Water Resources Control Board.

31. Prior to the issuance of any construction permits, 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.

32. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

33. Prior to the issuance of any permits, the applicant shall submit and process a lot line adjustment satisfactory to the city engineer.

34. The drainage system proposed for this development, is subject to approval by the City Engineer. Further detail design and calculations will be reviewed at final engineering regarding the pipe hydraulics.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The plan construction documents shall be in substantial conformance with Exhibit "A."

36. 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.

37. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) 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.

38. 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 Exhibit "A," Landscape Development Plan.

39. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit, if applicable, for the installation, establishment, and on-going maintenance of all street trees.

40. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

41. 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 damage or Certificate of Occupancy.

42. Tree planting rectangles within the vehicular use area shall provide a 40 square foot growing area with a minimum 5 foot inside dimension.

PLANNING/DESIGN REQUIREMENTS:

43. Building 623 Public/Private Use: Special use provisions apply to Building 623, which shall be operated in compliance with the NTC Building 623 Use Guidelines. As directed by the Planning Commission, as a condition of this permit any area within Building 623 available for lease for private use shall also be available for public use in conformance with 623 Guidelines.

44. Building 623 Use: Use of Building 623 shall comply with the following operational parameters to ensure that trips and parking requirements are not exceeded by multiple users during critical peak hour times at the project site.

- Until 9:30 AM: maximum occupancy of 200 persons
- From 9:30 AM through 3:30 PM: maximum of 1200 persons
- From 3:30 PM through 6:30 PM: maximum of 200 persons
- From 6:30 PM through midnight: maximum of 1200 persons

45. Building 623 Use. The operator of the Conference Center will be required to report occupancy, transportation and event data on a quarterly basis to the City Manager to demonstrate that the building is being operated in compliance with the peak hour traffic applicable to Building 623, with the reporting timeframe commencing upon issuance of a Certificate of Occupancy for the structure by the Building Official.

46. NTC Esplanade: Prior to the Building Official's issuance of the first Certificate of Occupancy for new visitor hotel structures constructed on the site, the public esplanade shall be installed in conformance with the approved exhibits.

47. Public Access: Public access to the 150-foot wide waterfront esplanade shall be available 24 hours a day.

48. Building 430 (U.S.S. Recruit) Use: Adaptive reuse of Building 430 (U.S.S. Recruit) shall conform to the CV-1-1 zone, NTC Precise Plan and the NTC Guidelines for the Treatment of Historic Properties.

49. Restaurant/Retail Accessory Buildings: Restaurant/retail uses are approved as shown on the approved exhibits. Four 6,000 square foot buildings may be developed with individual one-story structures for a total of 24,000 square feet of restaurant/retail uses. General architectural and signage design schematics have been incorporated into the approved exhibits, dated December 16, 2004. Minor modifications to the square-footage allotments between building pads is acceptable within the 24,000 square foot total, and project design specifications presented at the building permit stage shall be in substantial conformity to the approved exhibits, and the overall NTC and visitor hotel design themes.

50. 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.

51. 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.

52. 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.

53. 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.

54. All signs associated with this development shall be consistent with sign criteria established by both of the following:

- a. NTC Precise Plan and NTC Design Guidelines; and
- b. Exhibit "A," Signage Plan.

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

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

57. Screening of Equipment and Storage Areas: The NTC Precise Plan directs that all storage and equipment to be contained and screened from both grade level and overhead view. No mechanical equipment shall be erected, constructed, or enlarged at grade level or on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

58. 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."

TRANSPORTATION REQUIREMENTS:

59. The applicant shall construct a traffic signal at the intersection of Laning Road and Cushing Road, satisfactory to the City Engineer.

60. The applicant shall construct a traffic signal at the intersection of Rosecrans Street and Farragut Road/Voltaire Street, satisfactory to the City Engineer.

61. The applicant shall provide a westbound to eastbound u-turn lane at the intersection of Laning Road and Cushing Road, satisfactory to the City Engineer.

62. The applicant shall construct two standard 30 foot wide driveways from the project site, one onto Laning Road and one onto Farragut Road, satisfactory to the City Engineer.

63. In coordination with the terms of Condition No. 64, no fewer than a total of 818 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." No fewer than fifteen parking spaces within closest proximity to the esplanade shall be available 24 hours a day for unobstructed public coastal access use. Parking spaces shall be specifically designated for public coastal access use through appropriate signage. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

64. Building 623 Parking: As required by the Planning Commission as a condition of approval of this permit, the Owner/Permittee shall provide additional parking spaces for Building 623 (for a total project parking availability of 914 spaces) to accommodate an occupancy of 1200 persons.

65. Parking Management Plan: As required by the Planning Commission as a condition of approval of this permit, the Applicant shall provide and maintain a Parking Management Plan, to the satisfaction of the City Manager. In addition to providing shared parking, the Parking Management Plan shall include a provision which designates at a minimum, fifteen spaces for public coastal access, thirteen spaces for the USS Recruit, and seventy spaces for Building 623. Parking shall be in closest proximity to each use and available 24 hours a day. Parking spaces shall be specifically designated for such uses through appropriate signage.

WASTEWATER REQUIREMENTS:

66. Prior to the issuance of any building permits, the developer shall abandon certain on-site public sewer mains or they will be converted to private, satisfactory to the Director of the Metropolitan Wastewater Department. Any associated public easements shall be vacated, satisfactory to the Director of the Metropolitan Wastewater Department.

67. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.

68. The developer will be required to provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each dwelling unit/commercial unit will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities.

69. 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.

70. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

71. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any public right-of-way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

HISTORIC RESOURCES REQUIREMENTS:

72. Prior to the issuance of any construction permits, the curvilinear walkway within the historical district near the Extended Stay Hotel South Guest Building shall be revised to the satisfaction of Historical Resources Board staff to provide a more geometric and less curvilinear shaped layout.

73. Prior to the issuance of any construction permits for the renovation of the USS Recruit, specific details on materials and design for the two interpretive signage locations associated with the USS Recruit shall be provided for review and approval by staff to the Historical Resources Board.

74. Prior to the issuance of any construction permits for work within the historical district boundaries of the USS Recruit construction drawings shall document the Historical Resources Board site number and National Register historical designation, and note that the project will meet the Secretary of the Interior's Standards and the NTC Guidelines for the Treatment of Historic Properties.

WATER REQUIREMENTS:

75. Prior to the submittal of any public improvement plan, the Owner/Permittee shall submit a Water Study for the proposed project site, in a manner satisfactory to the Director of the Water Department.

76. Prior to the issuance of any building permits, the Owner/Permittee shall design and construct a 12-inch public water facility within a minimum 30-foot wide water easement, in a manner satisfactory to the Director of the Water Department.

77. Onsite public water facilities shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer prior to the abandonment of the 12-inch water main and the abandonment of the public water easement locate along the project easterly boundary as shown on City drawing 31444-D.

78. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the grasscrete pavement and the concrete walkway within the Water Easement, in a manner satisfactory to the Director of the Water Department and the City Engineer.

79. 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, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

80. 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 (domestic, fire, and irrigation), in a manner satisfactory to the Director of the Water Department, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

81. 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.

82. 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 shall be modified at final engineering to comply with standards.

83. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department and the City Engineer.

INFORMATION ONLY:

- This permit is specific to the Visitor Hotel project, and does not modify the terms and obligations of Master Planned Development/ Coastal Development Permit No. 99-1076 granted to the City of San Diego Redevelopment Agency and McMillin, LLC for redevelopment of the former Naval Training Center [NTC] site.
- 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.
- Note Per Memorandum to the Planning Commission dated December 16, 2004: In the event a parking structure is proposed in the future to satisfy project parking requirements, a proposed amendment of this Planned Development Permit shall be considered by the Planning Commission. Design of any parking structure shall be consistent with the overall NTC and visitor hotel architectural design themes.

APPROVED by the Council of the City of San Diego on March 15, 2005 by Resolution No. R-300252.

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.

Owner:
REDEVELOPMENT AGENCY
OF THE CITY OF SAN DIEGO,

By _____

Lessee:
MCMILLIN-NTC, LLC,
a Delaware limited company
By: McMillin Management Services, L.P.
a California limited partnership, its Manager
By: Corky McMillin Construction Services, Inc.,
a California corporation, its General Partner

By _____
Walter D. Heiberg, Sr. Vice President

By _____
Kathleen Riser, Vice President

Permittee:
LIBERTY STATION HUNTINGTON
HOSPITALITIES GROUP [HHG] HOTEL,
LLP,
Permittee

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04