

RESOLUTION NUMBER R-302328

DATE OF FINAL PASSAGE JANUARY 30, 2007

WHEREAS, McMillin, NTC, LLC, Owner//Permittee, filed an application with the City of San Diego for an Amendment to Master Planned Development Permit/Coastal Development Permit No. 99-1076 to expand an existing parking lot from 334 spaces to approximately 486 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District and six non-historic buildings to remain to be known as the NTC Shoreline Plaza project, located at 2768 Chauncey Road, and legally described as Lots 22, 23, 24, 26, 27, 28 and 29 of NTC Unit No. 6 according to Map thereof No. 14870, in the Naval Training Center [NTC] Precise Plan and Local Coastal Program Plan, in the Airport Approach Overlay Zone [AAOZ], Airport Environs Overlay Zone [AEOZ], Runway Protection Zone [RPZ], Coastal Overlay Zone (appealable), First Public Roadway, Parking Impact Overlay Zone, and CR-1-1 zone, and NTC Historic District; and

WHEREAS, on December 7, 2006, the Planning Commission of the City of San Diego considered Master Planned Development Permit [MPDP]/Coastal Development Permit [CDP] No. 99-1076, and pursuant to Resolution No. 4182-PC voted to approve the Permit; and

WHEREAS, on December 15, 2006, the Peninsula Community Planning Board appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, on December 20, 2006, the San Diego County Regional Airport Authority appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on January 30, 2007, 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 an Amendment to Master Planned Development Permit/Coastal Development Permit No. 99-1076:

**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 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the Marine Corps Recruit Depot [MCRD] boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the Naval Training Center [NTC] Precise Plan and Local Coastal Program [LCP] within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to approximately 482 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain. The approved Master Planned Development Permit/ Coastal Development Permit entitled 334 parking spaces at this location. Therefore, the use of this area for parking is currently entitled. The proposal would expand this use to 500 spaces by removing ten of the existing buildings and reconfiguring the parking spaces to allow more efficient use. The project location is within the CR zone (Commercial – Regional) designed for a broad mix of business/professional office, commercial service, retail, wholesale, and limited manufacturing uses. The site is not within the Visitor and Community Emphasis Overlay zone, nor is the site within the designated Open Space zone. The Coastal Commission, on approving the NTC LCP, specifically noted, “parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. This will mitigate against the impacts of overcrowding or overuse by the public of any single area.” The Coastal Commission recognized the need to disperse parking and inject it near the intended uses to allow for successful adaptive reuse, rather than conglomerate parking in a few locations.

An alternative to allowing expansion of parking in the Shoreline Plaza location would be to move forward with construction of the parking structure (contemplated for Lot "G" between Rosecrans Street and the NTC Marketplace). Staff does not support this alternative due to the need to inject and integrate parking throughout the NTC project site, in direct response to the Coastal Commission direction. The existing Master Planned Development Permit/Coastal Development Permit provides adequate direction for the timing of the proposed parking structure. Until the trigger events are reached, and adequate on-site parking is no longer available, construction of the parking structure is not warranted. For these reasons, staff therefore supports that the proposed increase in parking is consistent with the approved NTC LCP.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the MCRD boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the NTC Precise Plan and LCP within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to approximately 482 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain.

The proposed parking provides the required number of Accessible spaces, and adequate lighting, and safe pedestrian access through the parking lot to the Esplanade.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the MCRD boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the NTC Precise Plan and LCP within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to approximately 482 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain.

The project has demonstrated conformance with the provisions of the Municipal Code; no deviations are requested.

4. The proposed development, when considered as a whole, will be beneficial to the community. The 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the MCRD boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the NTC Precise Plan and LCP within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to approximately 482 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain.

The purpose of the proposed project is to provide adequate parking for successful adaptive re-use of the historic district and north end of the NTC Redevelopment Project Area. Prior to the final approval of MPDP/CDP No. 99-1076, a change in land use designation by the California Coastal Commission (from small business uses to public uses such as retail and

restaurants) resulted in an increased parking demand at the Shoreline Plaza location with a current need projected at approximately 500 parking spaces. Without the additional parking spaces, the adjacent Historic District may not be able to be effectively reused if parking cannot be provided.

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. No deviations are proposed.

B. COASTAL DEVELOPMENT PERMIT SDMC SECTION 126.0708

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the MCRD boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the NTC Precise Plan and LCP within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to approximately 486 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain.

The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan. The project specifically integrates and extends to completion the most northerly segment of the NTC public access esplanade in conformance with the NTC Precise Plan and Local Coastal Program Plan. 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. Public views have been specifically identified throughout the NTC project site as extending through the project site towards the water. This project will remove ten existing buildings thereby opening up additional view opportunities to the water. No parking spaces are proposed between the public esplanade access and the water's edge. The segment of the esplanade would be constructed linking the NTC Park to Gate 1 of the project site providing rest benches and landscaping along the way and providing bicycle and pedestrian access along the water's edge. For these reasons, no public views would be obstructed, but enhanced.

Therefore, for the above-listed reasons, the proposed development would not adversely affect the applicable land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the MCRD boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the NTC Precise Plan and

LCP within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to approximately 486 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain. The project site extends to, but does not encroach onto the boat channel which are the only designated environmentally sensitive lands in the project vicinity. No environmentally sensitive lands are located on the project premise. The U.S. Navy has not transferred this portion of the project site to the City for redevelopment until environmental remediation actions are complete. For this reason, the Navy has imposed a 15-foot buffer zone along the edge of the boat channel precluding any development activity within this buffer. The project would provide for parking for 500 automobiles. Stormwater Best Management Practices [BMPs] have been identified to effectively collect and treat the storm water runoff from the parking lot to avoid pollutant loading into the boat channel. The BMPs have been designed to treat the pollutants of concern to be generated by the parking lot, and have been sized to handle more than the anticipated runoff capacity. For these reasons, the coastal 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 regulations of the certified Implementation Program. The 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the MCRD boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the NTC Precise Plan and LCP within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to approximately 486 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain. The approved Master Planned Development Permit/Coastal Development Permit entitled 334 parking spaces at this location. Therefore, the use of this area for parking is currently entitled. The proposal would expand this use to 500 spaces by removing ten of the existing buildings and reconfiguring the parking spaces to allow more efficient use. The project location is within the CR zone (Commercial – Regional) designed for a broad mix of business/professional office, commercial service, retail, wholesale, and limited manufacturing uses. The site is not within the Visitor and Community Emphasis Overlay Zone, nor is the site within the designated Open Space zone. The Coastal Commission, on approving the NTC LCP, specifically noted, “parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. This will mitigate against the impacts of overcrowding or overuse by the public of any single area.” The Coastal Commission recognized the need to disperse parking and inject it near the intended uses to allow for successful adaptive reuse, rather than conglomerate parking in a few locations.

An alternative to allowing expansion of parking in the Shoreline Plaza location would be to move forward with construction of the parking structure (contemplated for Lot “G” between Rosecrans Street and the NTC Marketplace). Staff does not support this alternative due to the need to inject and integrate parking throughout the NTC project site, in direct response to the Coastal Commission direction. The existing Master Planned Development Permit/Coastal Development Permit provides adequate direction for the timing of the proposed parking

structure. Until the trigger events are reached, and adequate on-site parking is no longer available, construction of the parking structure is not warranted.

For these reasons, staff therefore supports that the proposed increase in parking is consistent with the approved NTC LCP.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The 6.88-acre subject property is located at the northeasterly portion of the NTC project site at the end of the boat channel and along the edge of the MCRD boundary in the CR-1-1 zone and the Commercial Precinct of the Mixed Use Area of the NTC Precise Plan and LCP within the Peninsula Community Plan area. The proposed project is to expand an existing parking lot from 334 to 500 spaces, and demolish ten non-historic buildings and miscellaneous sheds/storage buildings to allow for successful adaptive reuse of the adjacent NTC Historic District, and for six non-historic buildings to remain.

Project is located within the First Public Roadway area as defined by the Coastal Commission. Therefore, the project must conform to Chapter 3 of the California Coastal Act per Section 126.0708 of the Municipal Code as demonstrated below.

Development shall not interfere with the public's right of access to the sea. The proposed project integrates and completes construction of the public access esplanade along the edge of the boat channel. As noted in the Local Coastal Program (LCP) Plan – Coastal Element, access to the boat channel is not included in the project scope because the U.S. Navy has not conveyed the boat channel to the city pending completion of environmental remediation.

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where adequate access exists nearby. The proposed project integrates and completes construction of the public access esplanade along the edge of the boat channel and provides for public parking near the shoreline. Access to the boat channel is not included in the project scope because the U.S. Navy has not conveyed the boat channel to the city pending completion of environmental remediation.

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. The existing Master Planned Development Permit/Coastal Development Permit identified the project site as appropriate for parking purposes. The location is within existing developed areas able to accommodate the proposed development.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The existing Master Planned Development Permit/Coastal Development Permit identified the project site as

appropriate for parking purposes considering the visual corridors identified at the NTC project site. No visual impacts were identified for parking use at this location. Visual quality of the area would be enhanced by removing several small structures immediately adjacent to the water's edge, and by increasing landscaping over and beyond the requirements of the regulations.

The location and amount of new development should maintain and enhance public access to the coast. The proposed project integrates and completes construction of the public access esplanade along the edge of the boat channel and public parking near the shoreline. Access to the boat channel is not included in the project scope because the U.S. Navy has not conveyed the boat channel to the city pending completion of environmental remediation.

New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed Shoreline Plaza project is located within an area identified on the San Diego Seismic Safety Study maps as having a high potential for ground failure due to earthquake induced soil liquefaction. The project's geotechnical consultant, Geocon, Inc., has evaluated the liquefaction potential of the site and have stated their professional opinion that no impacts are expected due to liquefaction or associated lateral spread at Shoreline Plaza. However, additional geotechnical investigation will be required if and when habitable structures are proposed. The project location also borders the boat channel. Portions of this edge are subject to inundation along the immediate edge of the boat channel in front of Buildings 185 to just south of Building 34. No new structures are proposed in this area, and two storage sheds are proposed to be removed from this location.

New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed Shoreline Plaza project is located within an area identified on the San Diego Seismic Safety Study maps as having a high potential for ground failure due to earthquake induced soil liquefaction. The project's geotechnical consultant, Geocon, Inc., has evaluated the liquefaction potential of the site and have stated their professional opinion that no impacts are expected due to liquefaction or associated lateral spread at Shoreline Plaza. However, additional geotechnical investigation will be required if and when habitable structures are proposed. The project scope does not include construction or modification of any coastal protective devices. The existing riprap along the edge of the boat channel would be retained.

New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. The developer shall notify the Air Pollution Control District at least ten days prior to demolition of the existing structures to ensure regulatory compliance with removal of asbestos containing structures.

New development shall minimize energy consumption and vehicle miles traveled. The proposed parking would help disperse parking throughout the NTC project area in response to direction from the Coastal Commission. This allows users of the NTC Project to park in closer proximity to their desired location, thus minimizing the need to drive to a central parking location farther removed from the project area.

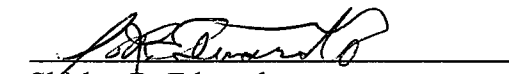
New development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. The project proposes to integrate and inject parking into and near a high public use area of the NTC project site. The proposed area was designated for parking use by the Master Planned Development Permit/Coastal Development Permit as an appropriate land use. The parking lot will provide access for people wishing to use the NTC Historic District and the proposed Ocean Village at Shoreline Plaza and the esplanade along the shoreline.

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

BE IT FURTHER RESOLVED, that the appeals of the Peninsula Community Planning Board and the San Diego County Regional Airport Authority are denied; the decision of the Planning Commission is sustained; and the Amendment to Master Planned Development Permit/Coastal Development Permit No. 99-1076 is granted to McMillin NTC, LLC, 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


Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
07/27/07
Or.Dept:Clerks
R-2007-785
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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

NAVAL TRAINING CENTER (MMRP)
AMENDMENT TO MASTER PLANNED DEVELOPMENT PERMIT/
COASTAL DEVELOPMENT PERMIT NO. 99-1076

CITY COUNCIL

This Amendment to Master Planned Development Permit [MPDP]/Coastal Development Permit [CDP] is granted by the City Council of the City of San Diego to the Redevelopment Agency of the City of San Diego, Owner, and McMillin-NTC, LLC, a Delaware Limited Liability Company, Permittee, pursuant to the San Diego Municipal Code [SDMC]. The approximately 360-acre site is located along Rosecrans Street between Lytton Avenue and North Harbor Drive and is west of San Diego International Airport (Lindbergh Field). The property is zoned CR-1-1, RT-1-4, RM-2-5, CV-1-1, OP-1-1 and CC-5-5, and is within the Peninsula Community Planning Area, Council District 2. The project site is legally described as Parcels 1-7, 9-14 and 18 of R.O.S. 16556.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to redevelop the Naval Training Center site, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], as modified by Council on January 30, 2007, on file in the Development Services Department.

The facility shall include:

- a. Demolition of existing structures;
- b. Subdivision of the property into ten parcels with each parcel containing several lots, and grading activities, as described in Vesting Tentative Map [VTM] No. 99-1076;
- c. Construction of 350 new single-family and multi-family residential dwelling units;

- d. Construction of seven buildings comprising approximately 380,000-square-feet of new commercial office space;
- e. Rehabilitation of existing buildings within the Mixed Use (including Historic District) and Educational Areas to allow new uses as defined by the NTC Precise Plan/LCP and the implementing CR-1-1 zone;
- f. Landscaping (planting, irrigation and landscape related improvements);
- g. Off-street parking facilities; and
- h. 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 NTC Precise Plan and Local Coastal Program, the Peninsula 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 to the California Coastal Commission. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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

6. Issuance of this Permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate applications or amendment of this Permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner/Permittee of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property, consistent with the provisions in the approved NTC Disposition and Development Agreement [DDA], on file in the Office of The City of San Diego Redevelopment Agency.

11. Zoning: Zoning of the subject property shall become effective in accordance with Ordinance Nos. O-18871, O-18872 and O-18873, adopted October 3, 2000. In the event ownership of portions of the NTC project site have not been conveyed from the United States Navy to the City of San Diego at the time of the recording of the corresponding final subdivision map, zoning of those affected portions of the subject property shall become effective with conveyance of the property to the City of San Diego.

12. This Permit may be developed in phases. Each phase shall be consistent with the conditions and exhibits approved for each respective phase (per the approved exhibits), and the NTC Disposition and Development Agreement [DDA], on file in the Office of the City of San Diego Redevelopment Agency.

13. Parking Structure: Construction of any new parking structure(s) will require an amendment to this permit or a future Process Three permit. The parking structure shall be designed to be in conformance with the *NTC Urban Design Guidelines*.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 99-1076 satisfactory to the City Manager and the City Engineer. Prior to issuance of the grading or building permits, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources, Paleontological Resources, Transportation/Circulation/Parking, Noise, Geology/Soils, Water Quality, Visual Quality/Aesthetics and Biological Resources.

TRANSPORTATION REQUIREMENTS:

15. The Owner/Permittee shall assure the following transportation improvements to the satisfaction of the City Engineer. Prior to issuance of the first building permit for new building construction, the applicant shall assure the transportation improvements described in conditions 15(c) through 15(h); prior to recordation of the first final map, the applicant shall assure the transportation improvements described in conditions 15(a), 15(b), and 15(i) through 15(m) consistent with the map filing program identified in Condition No. 11 of the VTM Conditions attached to Resolution No. R-293939, to the satisfaction of the City Engineer.

- a. The Owner/Permittee shall upgrade the existing structural section to meet the City of San Diego design standards or an equivalent alternative structure section for the following collector streets: Farragut Road, Worden Road, Roosevelt Road, Dewey Road, Cushing Road, Truxtun Road, Decatur Road, Halsey Road (Unit No. 8 and Lot No. 3 of Unit 10), Kincaid Road (Unit No. 8, Unit 9 and Unit 10), McCain Road (Unit 10 and subject to the conditions outlined in the M.O.U. with the Port of San Diego) and Spruance Road (Lot No. 2 of Unit 9 and Unit 10), satisfactory to the City Engineer.

- b. The Owner/Permittee shall eliminate the mid block pedestrian crosswalks along Cushing Road, Decatur Road, Truxtun Road, Dewey Road, Roosevelt Road and Worden Road. Pedestrian crosswalk can only be installed at controlled intersections.
- c. The Owner/Permittee shall construct a southbound left and right turn lanes from Rosecrans Street onto Nimitz Boulevard. Also, construct a northbound left turn lane from Rosecrans Street onto Nimitz Boulevard, satisfactory to the City Engineer.
- d. At the intersection of Rosecrans Street and Lytton Street, the Owner/Permittee shall construct an eastbound shared left/through lane on Lytton Street, and a westbound left turn lane from Lytton Street onto Rosecrans Street. Also, the Owner/Permittee shall construct a northbound through lane and a southbound through lane on Rosecrans Street, satisfactory to the City Engineer.
- e. The Owner/Permittee shall construct a northbound right turn lane from Rosecrans to Laning Road heading eastbound. Also, construct a westbound right turn lane and one westbound shared left turn/through lane at Laning Road, satisfactory to the City Engineer.
- f. The Owner/Permittee shall construct an additional southbound left turn lane from Rosecrans Street onto Worden Road, satisfactory to the City Engineer.
- g. The Owner/Permittee shall construct traffic signals at the following intersections including median improvements, satisfactory to the City Engineer:
 - I. Rosecrans Street with Worden Road, Roosevelt Road (signal modification only), and Laning Road. The applicant shall construct a traffic signal interconnect along Rosecrans Street from Nimitz Boulevard to Laden Street.
 - II. Laning Road with Cushing Road.
 - III. Laning Road with North Harbor Drive (signal modification only).
 - IV. North Harbor Drive with Lee Road (including a traffic signal interconnect between this signal and McCain Road) Prior to the issuance of the first building permit within Unit No. 8, the applicant shall re-evaluate the need for this traffic signal to the satisfaction of the City Engineer.
 - V. North Harbor Drive with McCain Road.

- h. The Owner/Permittee shall incorporate bus stops along Rosecrans, satisfactory to the City Engineer.
- i. The Owner/Permittee shall widen Roosevelt Road to 20' curb to curb south of the existing guardhouse, satisfactory to the City Engineer.
- j. The Owner/Permittee shall provide street lights, satisfactory to the City Engineer.
- k. The Owner/Permittee shall provide sidewalks, pedestrian ramps and driveway cuts, in conformance with MPDP No. 99-1076, satisfactory to the City Engineer.
- l. The Owner/Permittee shall provide traffic control at the non signalized intersections, satisfactory to the City Engineer.
- m. The Owner/Permittee shall provide a median break at the intersection of Laning Road and Decatur Road, satisfactory to the City Engineer.
- n. Prior to issuance of the first building permit within Units 3 through 6, the Owner/Permittee shall execute a shared parking agreement, and provide a parking management plan, including phasing for the construction of a parking structure(s) (if the intensity of use actually developed warrants the construction of such parking structure or structures) to accommodate up to approximately 3,750 parking spaces, to assure adequate supply of parking on site, satisfactory to the City Engineer. The parking management plan shall include the requirement for annual parking studies, through build-out of Units 3 through 6, to evaluate impacts of non-park users on parking spaces provided within the public park areas, and NTC generated users on adjacent residential streets west of Rosecrans Street. The first parking study shall be submitted to the City Engineer within one year of issuance of the first building permit. If, based on results of any submitted parking study, it is determined that impacts of non park users to parking spaces within the public park areas are occurring, or impacts of NTC generated users on adjacent residential streets west of Rosecrans Street are occurring, the Owner/Permittee shall provide an internal shuttle transit system connecting the parking structure and other shared parking facilities to uses within Units 3 through 6 (including the public park areas), satisfactory to the City Engineer and the City Park and Recreation Director. Exceptions to the parking standards in the LDC shall be allowed only to permit the use of tandem parking in residential areas.
- o. The Owner/Permittee shall remove the parking that currently exists adjacent to the public access in the northeasterly corner of building 31 and retain the parking access to the kayak ramp (in the triangle area of the diagram) which expands the pedestrian pathway, to provide more space. And in the additional space provided, install two 6-bike ramps.

16. **ENGINEERING REQUIREMENTS:**

- a. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- b. Drainage: The drainage system as shown on VTM No. 99-1076 has not been approved. The existing and proposed storm drain system for the NTC Project site will require deviations and will result in some flooding up to first floor finished elevations during storm events. The City Engineer will work cooperatively with the developer to minimize flooding potential. Only those deviations which accomplish this will be considered for approval by the City Engineer.
- c. Drainage: The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
- d. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 92 08 DWQ (NPDES General Permit No. CAS000002), 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 developed and implemented concurrently with the commencement of grading activities, and a complete and accurate 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. 92 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92 08 DWQ.

- e. Prior to building occupancy, the Owner/Permittee shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

- f. Stormwater Management: All development, public and private, shall meet or exceed the stormwater standards of the State of California, and the most recent standards of the Regional Water Quality Control Board with regard to stormwater runoff, and any amendment to, or re-issuance thereof.

17. **GEOLOGY REQUIREMENTS:**

- a. An updated geotechnical investigation report will be required to be submitted to LDR Geology for review and approval prior to issuance of final improvement plans, grading plans, and/or grading permits. The updated geotechnical investigation will need to be prepared in accordance with the City's "Technical Guidelines for Geotechnical Reports." The report will need to include additional geotechnical borings, address dewatering, provide final mitigation for liquefiable soils (i.e., surcharge fills, removal and recompaction, compaction grouting, and/or stone columns), and address remedial grading areas. Geotechnical analysis and recommendations shall include protection of existing utilities, abandonment or replacement of utilities, any requirements for settlement monitoring, and specific foundation recommendations.
- b. An updated report addressing site specific soil and groundwater contamination will be required to be submitted to LDR Geology for review and approval prior to issuance of final improvement plans, grading plans, and/or grading permits. The report will need to address health and safety impacts for any excavations required for construction of structures or utilities in areas mapped with contaminants that were left in place based on maps provided in "Document Review Summary, Naval Training Center, San Diego; prepared by Geocon, Inc., dated March 17, 2000." The lead Agency for this site contamination, the Regional Water Quality Control Board, will need to concur with the new land use, type of excavations, and any health and safety plan.

FACILITIES FINANCING:

18. This development is in the Peninsula Community Planning Area. There are impact fees, established by City Council, within the community to provide financing for public facilities necessary to support additional development. This development will be subject to those impact fees for the portions of the project which exceed existing development levels.

PLANNING/DESIGN REQUIREMENTS:

19. Off-street parking spaces shall be constructed and maintained on the property at all times in the approximate locations shown on the approved Exhibits "A." Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

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

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

22. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Development Services Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

23. Runway Protection Zone Limitations: In the area defined as the Runway Protection Zone [RPZ], uses within the existing buildings shall be limited to those uses specifically identified in Appendix A within the NTC Precise Plan/LCP, on file in the Office of Development Services.

24. Visitor and Community Emphasis Overlay [VCEO] Limitations: In the area defined as the Visitor and Community Emphasis Overlay [VCEO] uses are restricted to ensure that development in this area will be visitor-serving and community-oriented in nature. Permitted uses are identified in Appendix B within the NTC Precise Plan/LCP, on file in the Office of Development Services. Residential, industrial and research & development type uses are excluded from this area.

25. Navy Buildings A, B, C & D (Historic Officers' Quarters): Special provisions apply to Navy Buildings A, B, C, and D, which are the four officers' quarters depicted on Figure 2.5b, Commercial Precinct, within the NTC Precise Plan/LCP. Because of the historic character of these buildings, the City shall lease at least one of the four to function as a museum open to the public. The other three may be leased and made available to the public for such short term uses as a bed-and-breakfast, short-term rentals, or private residential leases. Revenues from the museum operation, as well as lease revenue from the other three buildings, shall be used in whole or in part to support the museum, with the remaining funds to be allocated to the non-profit foundation that will operate and manage the CACP. A non-profit organization shall be designated to implement this arrangement, satisfactory to the City Manager.

26. Navy Building #623: Special provisions apply to Navy Building 623, which is the existing building depicted on Figure 2.8, Visitor Hotel Area, within the NTC Precise Plan/LCP. Building #623 can either function as a convention center for hotel meetings, operate independently for non-hotel activities and community events, or be used for activities as diverse as religious activities or retail commercial sales. However, the

building shall not be used exclusively for hotel activities or other private uses on a permanent basis; community, civic, and/or public uses shall be given first priority for use of the Naval structure. Under a set of Guidelines to be prepared by the City Planning Director prior to July 22, 2002, or prior to the issuance of the Final Map for Unit No. 7, whichever occurs first, the building shall be made available at little or no cost for community, civic and/or public uses for an annual average of 50% of the time, spread throughout the year (seasonally and weekends). The Peninsula Community Planning Board (PCPB) shall have the opportunity to review the draft Guidelines and the Guidelines shall include timing for operating the facility prior to the construction of the hotel.

27. Navy Building #94: Special provisions apply to Navy Building 94, which is the existing building depicted on Figure 2.3, Education Area, within the NTC Precise Plan/LCP. Building 94, which will remain on the site, is adjacent to and highly visible from Rosecrans Street. Prior to the issuance of any building permits and/or certificates of occupancy, this building shall be redeveloped to include the addition of windows to improve the visual quality of the structure and compatibility with the surrounding community, satisfactory to the City Manager. The Peninsula Community Planning Board (PCPB) shall have the opportunity to review the plans for the renovation of the building prior to the issuance of any building permits.

28. Establishment of a Transit Office: Prior to the issuance of a certificate of occupancy within the first phase of office/R&D or mixed use development, a transit office shall be established on site, satisfactory to the City Manager, in order to issue bus passes and coordinate car pools for employees and residents, provide transit information to visitors, and consult on the transit needs for special events.

29. Public Access: The City of San Diego shall assure that creation of the public esplanade and other public access opportunities is tied directly to milestones in the development of NTC and is not left to the final stage of development. Prior to the issuance of any building permits or certificates of occupancy, the developer shall provide evidence that a public access easement has been recorded for the planned esplanade in all areas not otherwise conveyed through a National Park Service PBC, as shown on the approved Exhibits "A." Prior to construction of the esplanade, public access shall continue to be available along the waterfront. Signage directing the public to and along the waterfront shall be in place prior to occupancy of any new residential or commercial development at NTC.

30. Bicycle Storage Facilities: In order to encourage bicycle use, the developer shall install bicycle storage facilities to serve the Mixed Use and Educational areas, in addition to installing bicycle storage facilities in the new multi-family residential and office development areas, satisfactory to the City Manager.

31. **RESIDENTIAL DEVELOPMENT:**

- a. This permit allows a total of 353 residential units for the entire site consisting of 350 new units located in the residential zones and three of

the four existing former officer quarters located in the historic district. No units beyond the 353 maximum may be added to any lot on the NTC Project site, excepting new live/work units within the Mixed Use Area designed in accordance with SDMC section 141.0311, without first amending this permit regardless of the density allowed for the lot by the underlying zone.

- b. No more than 109 dwelling units will be located in "Unit No. 1" as shown on the approved "Exhibit A" for Vesting Tentative Map No. 99-1076, dated October 3, 2000, on file in the Office of Development Services.
- c. This development consists of three (3) residential housing types as shown on Exhibit "A." These housing types are:
 - I. Single-unit Detached houses: No fewer than 60 of the allowed 353 residential units shall be the two-story Single-unit detached house type.
 - II. Single-unit Rowhomes: No fewer than 90 of the allowed 353 residential units shall be the two and three-story Single-unit Rowhome type. No more than 25 percent of the single-unit Rowhomes on any block shall contain more than two stories.
 - III. Multiple-unit attached homes: No fewer than 100 or more than 149 of the allowed 353 residential units shall be the Multiple-unit attached home type.
- d. Except for Lot No. 1 and Lot No. 56 of "Unit No.1" as shown on "Exhibit A" for Vesting Tentative Map No. 99-1076, dated October 3, 2000, on file in the office of Development Services, all residential lots adjacent to Rosecrans Street shall be the two-story Single-unit Detached home type referenced above. Lot No. 1 and Lot No. 56 have the option of being developed with the two-story Single-unit Rowhome design.
- e. No more than 25 percent of the residential buildings on any block shall contain more than two stories. No three-story buildings shall occupy a corner lot. No three-story building shall be located directly next door to another three-story building.
- f. All Single-unit Detached house type units shall be built in conformance with the development regulations of the RX-1-2 zone except for the following:
 - I. The same encroachments into the front yard allowed by the RT-1-4 zone will be allowed.

- II. For lots less than 100 feet in depth, the variable front setbacks will be 10 feet, 13 feet and 16 feet instead of 10 feet, 15 feet and 20 feet.
 - III. A separation of at least 8 feet between buildings (instead of 10 feet) must be observed on at least one side of each building.
 - IV. The option of no side setback on one side is not allowed.
- g. All Single-unit Rowhome type units shall be built in conformance with the development regulation of the RT-1-4 zone except for the following:
- I. Only one side shall be required to observe the 0 foot side yard setback.
 - II. The lots may have a minimum width of 24 feet instead of 25 feet.
 - III. The front yard encroachment may be a maximum of 65 percent of the building facade instead of 50 percent.
 - IV. Two-story buildings with a raised floor of at least 30 inches will be allowed the permitted extra 4 feet of height regardless of whether the building has a slab foundation or a conventional raised floor for a maximum height of 30 feet.
 - V. Parking spaces in garages will have a minimum depth of 19 feet instead of 20 feet.
 - VI. Turrets will have a minimum of 10 percent of the elevation as glass instead of 40 percent.
 - VII. Projecting elevated entries or porches will not be subject to the 8 feet maximum width requirement.
 - VIII. The supplemental articulation feature option will be met by providing one bay window on the front facade instead of two if the building also has a projecting covered entry.
 - IX. Chimneys may project into the space above the angled building envelope planes to a maximum of 30 feet.
- h. All Multiple-unit attached home type units shall be built in conformance with the development regulations of the RM-2-5 zone except for the following:
- I. The dwelling unit density for each lot in the RM-2-5 zone may exceed the maximum allowed as long as the total number of dwelling units in the RM-2-5 zone does not exceed 149 units.

- II. The buildings will have a minimum front setback of 10 feet and a standard front setback of 15 feet instead of a minimum of 15 feet and a standard of 20 feet.
- III. The buildings will have a minimum rear setback of 10 feet instead of 15 feet.
- IV. The maximum height where the 60 degree building envelope angle begins on the side setback line will be 33 feet instead of 30 feet.

32. **GOLF COURSE CONDITIONS:**

- a. The existing grave site within the golf course boundaries shall not be removed or altered in any way unless this permit is first amended by the City Council with a recommendation from the Historical Resources Board.
- b. All barbed-wire fencing elements shall be removed from the existing perimeter fencing of the golf course area within one (1) year after the effective date of this permit.
- c. The golf course shall remain open to the public, and any proposal to convert the golf course to a private membership club will require an amendment to this Permit and to the NTC Precise Plan and Local Coastal Program.

33. **PROCESS CONDITIONS:**

- a. NTC Historic District: All currently proposed and future work within the NTC Historic District, shall be consistent with the *Naval Training Center San Diego Guidelines for the Treatment of Historic Properties* and the *U.S. Secretary of the Interior's Standards and Criteria for the Treatment of Historic Properties*. All future improvement plans not currently proposed, for new buildings or additions to buildings within the Historic District shall be sent to the California State Historic Preservation Officer [SHPO] for a determination of consistency with the *U.S. Secretary of the Interior's Standards and Criteria* and shall be reviewed by the City of San Diego Historical Resources Board for a recommendation before final approval by the decision making body of the required permit.
- b. Any new development not expressly approved by this permit shall require an amendment to this permit. Any modifications to existing structures or the site, not directly approved by this permit, shall require a Substantial Conformity Review by Development Services to determine Substantial Conformity with the Exhibit "A," or an amendment to this permit shall be required.

34. All signage associated with this development shall be consistent with sign criteria established by all of the following:

- a. *The NTC Urban Design Guidelines and NTC Guidelines for the Treatment of Historic Properties;*
 - b. *The NTC Precise Plan/LCP;*
 - c. Citywide sign regulations; and
 - d. the Peninsula Community Plan.
35. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
36. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
37. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
38. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure.
39. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials 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."

40. **WATER REQUIREMENTS:**

- a. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of appropriate public water facilities, as identified in the accepted water study and consistent with City regulations, standards and practices pertaining thereto necessary to serve this development in a manner satisfactory to the Water Department Director and the City Engineer. Proposed water facilities that do not meet City standards for public systems shall be private.
- b. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of public water facilities within the Laning Road right of way from Rosecrans Street to North Harbor Drive in a manner satisfactory to the Water Department Director and the City Engineer.

- c. Prior to the issuance of any building or grading permits within Units 1 and 2, the Owner/Permittee shall assure, by permit and bond, the design and construction of public water facilities within the Cushing Road and Farragut Road rights of way in a manner satisfactory to the Water Department Director and the City Engineer.
- d. Prior to the issuance of any building or grading permits within Unit 3, the Owner/ Permittee shall assure, by permit and bond, the design and construction of public water facilities within the Cushing Road right of way adjacent to Lot 14 or provide adequate separation between the existing facility and any proposed structure in a manner satisfactory to the Water Department Director and the City Engineer.
- e. Prior to the issuance of any building or grading permits within Unit 6, the Owner/ Permittee shall assure by permit and bond, the design and construction of public water facilities within the Cushing Road right of way, adjacent to Lot 28, and within Decatur Road from Sims Road to Perry Road or provide adequate separation between the existing water facilities and the existing structure over the existing water facilities, in a manner satisfactory to the Water Department Director and the City Engineer.
- f. Prior to the issuance of any building or grading permits within Units 8, 9, or 10, the Owner/Permittee shall assure, by permit and bond, the design and construction of public water facilities within the Spruance Road and Private Street A rights of way, in a manner satisfactory to the Water Department Director and the City Engineer.
- g. Prior to the issuance of any building permits, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.
- h. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a minimum 24 feet wide vehicular access road over all existing public water facilities not located within fully improved public rights of way, including, but not limited to, the existing water facilities traversing Lot E, Unit 6, or the existing water facilities shall be private, in a manner satisfactory to the Water Department Director and the City Engineer. Proposed water facilities, including easements and access, that do not meet current standards shall be private.
- i. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the installation of public water meters on all existing and proposed water services in a manner satisfactory to the Water Department Director and the City Engineer. Public meters shall be located within or immediately adjacent to fully improved public rights of way,

behind full height curb, with a minimum of 24 foot wide paved vehicular access. Where appropriate meter installations cannot be made, the facilities shall be private and served by public meters in or adjacent to the closest improved public right of way.

- j. 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 Design Guide and City regulations, standards and practices pertaining thereto. All existing and proposed water facilities that do not meet current standards shall be private.
- k. If on site water facilities are to be public and if any portion of the development is gated, then prior to the issuance of any building permits, the Owner/Permittee shall provide keyed access to the Water Operations Division in a manner satisfactory to the Water Department Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.

41. **SEWER REQUIREMENTS:**

- a. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
- b. The Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one lot.
- c. The Owner/Permittee agrees to design and construct all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be re-designed satisfactory to the Metropolitan Wastewater Department Director.
- d. The Owner/Permittee shall process and record a NOTICE & AGREEMENT for any lot being served by private sewer facilities, which indemnifies the City and contains an agreement that the applicant, and successors in interest, will be responsible for the operation and maintenance of the private sewer systems.
- e. 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.
- f. Proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed

per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego sewer design guide.

- g. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any public easement prior to the applicant obtaining an encroachment removal agreement.
- h. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

LANDSCAPE REQUIREMENTS:

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

43. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

44. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan.

45. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this MPDP/CDP Permit No. 99-1076 (including environmental conditions) and Exhibit "A."

46. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

47. 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. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

48. 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.

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

50. Prior to issuance of any construction permit for parking structures, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

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

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

APPROVED by the Council of the City of San Diego on January 30, 2007 by Resolution No. R-302328.

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.

THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO

By _____

BY _____

MCMILLIN-NTC, LLC,
a Delaware Limited Liability Company
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04