

RESOLUTION NUMBER R- 308245

DATE OF FINAL PASSAGE JUN 04 2013

ITEM # 337
SUB-B
6/4/13

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING PLANNED DEVELOPMENT
PERMIT NO. 1001489 FOR LIBERTY STATION EAST HOTEL
DEVELOPMENT/NTC UNIT 8 – PROJECT NO. 285352.

WHEREAS, the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, Corporate and Politic, Owner, and McMillin – NTC, LLC, Permittee, filed an application with the City of San Diego for a Planned Development Permit (PDP) No. 1001489 to demolish an existing commercial parking lot and construct a 650-room hotel development known as the Liberty Station East Hotel Development/ NTC Unit 8 project, on a 15.85-acre site is located at the intersection of North Harbor Drive and Lee Court in the CC-5-5 Zone, Airport Influence Area (AIA), Airport Environs Overlay Zone (AEOZ), Federal Aviation Administration (FAA) Part 77 Notification Area, Coastal Overlay Zone (Coastal Commission jurisdiction), within the Unit 8 Hotel area of the Naval Training Center (NTC) Precise Plan and Local Coastal Program, in the Peninsula Community Plan area and the NTC Redevelopment Area; and

WHEREAS, the project site is legally described as Lots 1 through 6, and Lot A, of NTC - Unit 8 Map No. 14367; and

WHEREAS, on April 11, 2013, the Planning Commission of the City of San Diego considered approval of PDP No. 1001489, and pursuant to Resolution No. 4893-PC voted to recommend City Council approval of the actions; and

WHEREAS, the matter was set for public hearing on June 11, 2013, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same;

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, a public hearing is 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following written findings with respect to PDP No. 1001489:

I. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The project proposes demolition of an existing commercial parking lot and construction of a new 650-room hotel development, including 3,810 square feet of associated restaurant use, subdivision of the property into five lots (including vacation of a portion of the Halsey Road public right-of-way, and vacation of existing water and storm drain easements), construction of new public water, sewer and storm water facilities, installation of new public improvement infrastructure, and development of a 150-foot wide public access Esplanade area. The 15.85-acre project site is located east of the boat channel in the CC-5-5 Zone and Business Hotel Subarea of the Naval Training Center (NTC) Precise Plan and Local Coastal Program (LCP) within the Peninsula Community Plan area. The NTC Precise Plan identifies the site for a 650 room mid-rise hotel to serve business travelers, with priority for visitor-serving uses which involve lodging facilities and water oriented recreation uses, and ancillary uses such as food, retail, entertainment and conference facilities.

The new 650-room hotel project has been designed in a contemporary Spanish Revival style architecture reminiscent of existing historic buildings at Liberty Station, with design features including clay tile roofs, archways, two-toned wall plaster, and architectural details and accents. The project will be developed by constructing a range of rooms within three separate hotel buildings, and accommodated through a Planned Development Permit (PDP) as recommended by the NTC Precise Plan. A Vesting Tentative Map (VTM) will subdivide the site into five (5) lots and allow vacation of a portion of the Halsey Road public right-of-way, and vacation of existing water and storm drain easements. The project includes deviations to lot coverage, front yard and street side yard building setbacks, street wall transparency, loading space quantity, and trash enclosure location. These deviations facilitate comprehensive site

design and support the project meeting the goals of the NTC Precise Plan recommendations regarding architectural design, parking and transportation management, providing vehicular access directly from Harbor Drive, orienting guest rooms away from the adjacent planned Regional Public Safety Training Institute (RPSTI), and building placement away from airport activities and noise sources associated with Lindbergh Field. Additionally, minimizing building lot coverage and reducing the quantity of loading areas allows the project to accommodate larger amounts of space available to promote public coastal access by integrating waterfront pedestrian and bicycle paths with placement of the hotels, providing 15 additional parking spaces dedicated for public coastal use, and prioritizing use of the 150-foot wide public Esplanade along the edge of the NTC boat channel. The project has been designed to be consistent with the adopted Peninsula Community Plan, the NTC Precise Plan and Local Coastal Program Land Use Plan, the NTC Redevelopment Plan, and no adverse impacts to the plans will occur as a result of project implementation.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes demolition of an existing commercial parking lot and construction of a new 650-room hotel development, including 3,810 square feet of associated restaurant use, subdivision of the property into five lots (including vacation of a portion of the Halsey Road public right-of-way, and vacation of existing water and storm drain easements), construction of new public water, sewer and storm water facilities, installation of new public improvement infrastructure, and development of a 150-foot wide public access Esplanade area. The project site has been previously analyzed via Environmental Impact Report (EIR) SCH No. 99081140, certified on February 1, 2000, in association with the adoption of the NTC Redevelopment Plan, and via Mitigated Negative Declaration (MND) No. 99-1076 (SCH No. 2000081037), certified on October 3, 2000, in association with the approval of the NTC Precise Plan and Local Coastal Plan & Related Entitlements/MWWD Environmental Monitoring and Technical Services Laboratory. The Redevelopment EIR and subsequent Precise Plan MND define mitigation measures for all projects within the NTC Redevelopment Area and NTC Precise Plan, including the proposed project. Based upon a detailed review of the current hotel development project, it has been determined that there are no new significant impacts which would result from the proposed project and that no new mitigation measures would be required that were not already addressed in the previous Redevelopment EIR or Precise Plan MND. Therefore, Addendum No. 285352 to EIR SCH No. 99081140 and MND No. 99-1076 (SCH No. 2000081037) has been prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The Liberty Station East Hotel Development project will comply with all necessary mitigation measures outlined within the Mitigation, Monitoring and Reporting Program (MMRP) of the NTC Redevelopment EIR and subsequent Precise Plan MND as specifically outlined in Addendum No. 285352.

The Project has been conditioned through PDP No. 1001489 and VTM No. 10014911 to comply with the development regulations in effect for the subject property as set forth in the *Land Development Code*, and will be required to obtain building permits to show that construction will comply with all applicable Building and Fire Codes. As conditioned, the proposed hotel development will comply with the development regulations, standards, and policies in effect for the project site per the *Land Development Code*, the Peninsula Community Plan, the NTC Precise Plan and Local Coastal Program Land Use Plan, the NTC Redevelopment

Plan, and all other City regulations, policies, guidelines, design standards, and adopted land use plans applicable to this site, and will not be detrimental to the public health, safety or welfare.

3. The proposed development will comply with the applicable regulations of the land development code. The project proposes demolition of an existing commercial parking lot and construction of a new 650-room hotel development, including 3,810 square feet of associated restaurant use, subdivision of the property into five lots (including vacation of a portion of the Halsey Road public right-of-way, and vacation of existing water and storm drain easements), construction of new public water, sewer and storm water facilities, installation of new public improvement infrastructure, and development of a 150-foot wide public access Esplanade area. The project includes deviations to lot coverage, front yard and street side yard building setbacks, street wall transparency, loading space quantity, and trash enclosure location. The San Diego Municipal Code allows the consideration of deviations to development standards through the PDP process. In assigning the CC-5-5 Zone to the previously un-zoned project site with the adoption of the NTC Precise Plan/LCP in 2000, it was recognized that the intent of the CC-5-5 zone to “accommodate development with a high intensity, pedestrian orientation” and its allowable uses were appropriate, however, the nature of redeveloping the former Navy property with a business hotel use could require additional flexibility. Therefore, the Implementation section of the NTC Precise Plan/LCP identifies the business hotel site as needing to be developed and entitled through the PDP process to allow for comprehensive planning of the 15.85-acre site. The Land Development Code allows the applicant to request each of these deviations, and other than the requested deviations, the project as proposed complies with all applicable regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed 650 room business-serving hotel project will implement the goals, policies and recommendations of the General Plan, Peninsula community plan and the NTC Precise Plan. The project will promote public coastal access by integrating waterfront pedestrian and bicycle paths with placement of the hotels, providing 15 additional parking spaces dedicated for public coastal use, and prioritizing use of the 150-foot wide public Esplanade along the edge of the NTC boat channel. Implementation of the Esplanade will be a key feature linking the business hotel site to the existing retail, arts and culture, restaurant, office and park uses which have developed throughout Liberty Station. The proposed redevelopment of the NTC Unit 8 site as a business hotel development, when considered as a whole, will be beneficial to the community.

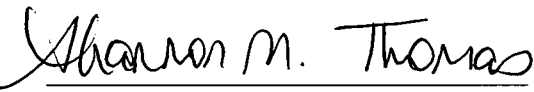
5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The project includes a deviation to allow 15% lot coverage where a minimum of 35% lot coverage is required (SDMC Section 131.0530); a deviation to allow a varying 10 - 75 foot front yard building setback along Kincaid Road where a maximum of 10 feet is permitted (SDMC Section 131.0530); a deviation to allow a varying 118 - 330 foot street side yard building setback along Harbor Drive where a maximum of 10 feet is permitted (SDMC Section 131.0530); a deviation to allow less street wall transparency than required on portions of two hotel elevations (SDMC Section 131.0552); a deviation to allow two loading spaces where eleven spaces are required (SDMC Section 142.1001); and a deviation to allow one trash enclosure in the front setback of Kincaid

Road (SDMC Section 142.0810(b)(2)). The proposed deviations allow the project flexibility in meeting the goals of the NTC Precise Plan/LCP regarding architectural design, parking and transportation management, providing vehicular access directly from Harbor Drive, orienting guest rooms away from the adjacent planned Regional Public Safety Training Institute (RPSTI), and building placement away from airport activities and noise sources associated with Lindbergh Field. Additionally, minimizing building lot coverage and reducing the quantity of loading areas allows the project to accommodate larger amounts of space available to promote public coastal access by integrating waterfront pedestrian and bicycle paths with placement of the hotels, providing 15 additional parking spaces dedicated for public coastal use, and prioritizing use of the 150-foot wide public Esplanade along the edge of the NTC boat channel. The deviations 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 CC-5-5 zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

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

BE IT FURTHER RESOLVED, that Planned Development Permit (PDP) No. 1001489 is hereby granted to the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, Corporate and Politic, Owner, and McMillin – NTC, LLC, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
05/14/13
Or.Dept:DSD
Doc. No.: 554227

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002873

PLANNED DEVELOPMENT PERMIT NO. 1001489
LIBERTY STATION EAST HOTEL DEVELOPMENT/ NTC UNIT 8
PROJECT NO. 285352 [MMRP]
CITY COUNCIL

This Planned Development Permit No. 1001489 is granted by the City Council of the City of San Diego to the City Of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic, Owner, and McMillin – NTC, LLC, Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0602. The 15.85-acre site is located at the intersection of North Harbor Drive and Lee Court in the CC-5-5 Zone, Airport Influence Area (AIA), Airport Environs Overlay Zone (AEOZ), Federal Aviation Administration (FAA) Part 77 Notification Area, Coastal Overlay Zone (Coastal Commission jurisdiction), within the Unit 8 Hotel area of the Naval Training Center (NTC) Precise Plan and Local Coastal Program, in the Peninsula Community Plan area. The project site is legally described as Lots 1 through 6, and Lot A, of NTC - Unit 8 Map No. 14367.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing commercial parking lot and construct a 650-room hotel development, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated 6/4/13, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing commercial parking lot;
- b. Construction of a 650-room hotel development, including a 252-room hotel (approximately 217,180 square feet), a 215-room hotel (approximately 142,550 square feet), a 183-room hotel (approximately 87,420 square feet), and 3,810 square feet of associated restaurant facilities, and maintenance of a 490-square-foot existing pump

station. The number of rooms in each hotel may vary as long as the total does not exceed 650 rooms.

- c. Project includes the following deviations:
- Deviation to allow 15% lot coverage where a minimum of 35% lot coverage is required (SDMC Section 131.0530);
 - Deviation to allow a varying 10 - 75 foot front yard building setback along Kincaid Road where a maximum of 10 feet is permitted (SDMC Section 131.0530);
 - Deviation to allow a varying 118 - 330 foot street side yard building setback along Harbor Drive where a maximum of 10 feet is permitted (SDMC Section 131.0530);
 - Deviation is to allow less street wall transparency than required on portions of two hotel elevations (SDMC Section 131.0552);
 - Deviation to allow two loading spaces that are sufficient to meet the needs of the hotel operations where eleven spaces are required (SDMC Section 142.1001);
 - Deviation to allow one trash enclosure in the front setback of Kincaid Road (SDMC Section 142.0810(b)(2)).
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking (including 15 parking spaces dedicated for public coastal access);
- f. Construction of a public esplanade along the boat channel within the 150-foot wide public access easement area;
- g. Subdivision of the property subject to Vesting Tentative Map No. 1001491; and
- h. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by ~~JUN 04 2016~~

2. This Planned Development Permit shall become effective only after the California Coastal Commission issues a Coastal Development Permit as required by this project.

3. 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/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.

4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker. The interim parking lot use may continue until the first building permit is issued in reliance on this Planned Development Permit.

5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/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.).

8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the federal Endangered Species Act (ESA) and by the California Department of Fish and Game (CDFG) pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

13. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

15. The mitigation measures specified in the MMRP and outlined in Addendum to EIR (SCH No. 99081140)/Addendum to MND No. 99-1076 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in Addendum to EIR (SCH No. 99081140)/Addendum to MND No. 99-1076, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Land Use
- Noise
- Health And Safety
- Paleontological Resources
- Biology
- Geology
- Air Quality

UTILITIES AND SERVICES (SOLID WASTE):

17. Demolition Phase:

- a. Recycling, salvage, reuse, and disposal options shall be determined before each job begins.
- b. Materials that can be reused shall be donated to charities and nonprofit agencies, to the extent charities/nonprofit agencies in need can be located.
- c. Refuse haulers and recycling facilities shall be selected based on their diversion rate responsiveness to the recycling plan, fees, and geographic proximity to the job site.
- d. Solid waste management coordinator shall be responsible for educating contractors and subcontractors regarding waste management plan requirements.
- e. Recycling areas shall be clearly identified with large signs and material-specific bins would be provided for necessary segregation.
- f. Recycling bins shall be placed in areas that would minimize misuse or contamination by employees and the public. There shall be no more than one percent by weight contamination.
- g. Bin contamination shall be minimized to one percent by weight.

18. Construction Phase:

- a. Waste Management Coordinator shall accurately forecast waste materials.

- b. Waste materials shall be sorted into specified bins for disposal and recycling, which shall be marked with specific signage labeling which material is to be deposited in which bin. Labeling shall be bilingual. ESD staff shall approve location of bins; and
- c. Waste materials shall be transported to facilities with the best diversion rates, tip fees, and/or prices paid for commodities.
- d. General contractor and Waste Management Coordinator shall determine recycling, reuse, and disposal options before the job begins.
- e. Materials that can be reused to charities and nonprofit agencies shall be donated to applicable charities/agencies.
- f. Refuse haulers shall be chosen based on their responsiveness to the projects recycling plan.
- g. Recycling facilities shall be chosen from the City of San Diego's current Certified Construction & Demolition Recycling Facility Directory based on diversion rate and fees at the time of project construction, and geographic proximity to the project site.
- h. Solid waste management coordinator shall be responsible for educating contractors and subcontractors regarding waste management plan requirements.
- i. Recycling areas shall be clearly identified with large signs and provide material-specific bins for necessary segregation.
- j. Recycling bins shall be placed in areas that will minimize misuse or contamination by employees and the public.
- k. Post-consumer products shall be employed in the design and construction of the new facilities with the goal of achieving five percent of post-consumer content. Examples include reuse of concrete and asphalt generated during demolition, using green waste as mulch and using products manufactured with post-consumer content. Receipts demonstrating post-consumer content will provided to ESD staff at precons.
- l. Contractors shall include the anticipated source and quantity of post-consumer products proposed for reuse or purchase in their project bid.
- m. Bin contamination shall be minimized to one percent by weight.

19. Occupancy Phase:

- a. Regular inspections shall occur to ensure there shall be no more than one percent by weight contamination in recycling bins.
- b. Collection of recyclable materials shall occur as frequently as necessary to meet demand.
- c. Collection of plastic bottles and jars, paper, newspaper, metal containers, cardboard, and glass containers shall occur as part of the recycling program.
- d. Collection of other recyclable materials for which markets exist, such as scrap metal, wood pallets, shall occur.
- e. Collection of food waste for recycling by composting shall occur, where available (the future hotel operator(s) will meet with representatives from ESD to ensure that their educational materials and haulers can comply with the requirements for this service).
- f. Recycling receptacles or containers which comply with the standards in the Container and Signage Guidelines established by the City of San Diego Environmental Services Department shall be utilized.
- g. Recycling collection and storage areas shall be designated.

- h. Signage on all recycling receptacles, containers, and/or enclosures shall be provided and shall comply with the standards described in the Container and Signage. Guidelines established by the City of San Diego Environmental Services Department.
- i. Bin contamination shall be minimized to one percent by weight.

AIRPORT REQUIREMENTS:

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

21. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement (DS-503) and show certification on the building plans verifying that the structures do not require Federal Aviation Administration (FAA) notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING REQUIREMENTS:

22. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading 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.

23. The Planned Development Permit shall comply with the conditions of the final map for Liberty Station East Hotel Vesting Tentative Map No. 1001491.

LANDSCAPE REQUIREMENTS:

24. Prior to issuance of any permit for right-of-way improvements, complete landscape construction documents shall be submitted to the Development Services Department for approval. Improvement plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

25. Prior to issuance of the first building permit, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees.

26. Prior to issuance of any Certificate of Occupancy, Owner/Permittee shall install all required landscape and obtain all required landscape inspections.

27. All required landscape, including in the right-of-way, shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

28. If the existing pump house and/or steam line are removed or undergrounded per the conditions of this permit, the affected areas shall be landscaped per the Land Development Code-Landscape Regulations and the NTC Precise Plan to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

29. 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 Owner/Permittee.

30. Coastal Development Permit: Prior to the issuance of the first building permit, the Owner/Permittee shall obtain a Coastal Development Permit from the California Coastal Commission for the proposed scope of work. The Owner/Permittee shall place a note on all building plans indicating the number of the Commission issued Coastal Development Permit.

31. Esplanade Development: Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall demonstrate that the existing steam line abutting the subject property on the east edge of the boat channel is removed, or has been reconstructed underground, in accordance with the NTC Precise Plan/LCP, Supplemental Plans (Table 7.2) and approved Exhibit "A."

32. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

33. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

34. Within 45 days after the City's approval of this Permit, the Owner/Permittee shall: 1) repaint Building 271 (Lot 117, NTC Unit 2), 2) replace any broken glass in the existing, uncovered windows, 3) replace plywood with windows and doors, 4) repair and repaint handrails, 5) create uniform turf landscaping, and 6) create a uniform and complete aggregate surface at the rear of the building. Subsequent to painting Building 271, the Owner/Permittee shall inspect Building 271 on a regular basis for graffiti and promptly remove such graffiti. The Owner/Permittee also shall maintain the landscaping around Building 271 and keep it in a weed free condition. The exterior of Building 271 and surrounding area shall be kept free of trash and litter. The Director of Development Services shall terminate the obligations of this condition upon his determination that the City's issuance of a permit to rehabilitate Building 271 consistent

with the requirements of the Naval Training Center Disposition and Development Agreement will satisfactorily provide for all of the measures identified in this paragraph.

TRANSPORTATION REQUIREMENTS:

35. A minimum of 650 automobile spaces (including 637 standard spaces, 12 standard accessible spaces and 1 van accessible space), 2 loading/unloading spaces, 13 bicycle spaces with rack(s) are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director. A total of 701 parking spaces (686 standard spaces, 12 standard accessible spaces and 3 van accessible spaces) are provided.

36. Parking for Public Coastal Access: Besides the minimum of 650 automobile spaces indicated in Condition No. 33 above, an additional 15 automobile spaces shall be provided to accommodate public coastal access.

37. Prior to issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of Kincaid Road with 40' of pavement at North Harbor Drive for a distance of 150' further north then transition for a distance of 228' to 34.5' wide then transition to 28' wide at the existing Private Drive including curb, gutter and non-contiguous sidewalk along the westerly side and a non-contiguous sidewalk on the easterly side within 60' of right-of-way, satisfactory to the City Engineer.

38. The Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for private curb, gutter and privately maintained pavement and landscape in the Lee Court public right-of-way.

39. Prior to issuance of the any construction permit, the Owner/Permittee shall assure by permit and bond the construction of curb, gutter and sidewalk on both sides of Lee Court, satisfactory to the City Engineer.

40. Prior to issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the construction of sidewalk on North Harbor Drive along the project's frontage west of Lee Court, satisfactory to the City Engineer.

41. The Owner/Permittee shall provide a 25 foot visibility triangle area along the property line at the northeast corner of the intersection of North Harbor Drive and Kincaid Road. No obstacles higher than 36 inches shall be located within this visibility area (e.g. landscape, hardscape, wall, monument, signs, shrubs etc.).

42. The Owner/Permittee shall provide a 25 foot visibility triangle area along the property line at the northeast and northwest corner of the intersection of North Harbor Drive and Lee Court. No obstacles higher than 36 inches shall be located within these visibility areas (e.g. landscape, hardscape, wall, monument, signs, shrubs etc.).

43. Prior to the recordation of the first final map, the Owner/Permittee shall vacate Halsey Road between Lee Court and Kincaid Road, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

44. Prior to the issuance of any construction permits (either grading or building permits), the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services.

45. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to exoneration of the bond and grading permit close-out.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

46. 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) (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water facilities, including services and meters, 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.

48. 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 are to be in accordance with established criteria in the most current City of San Diego sewer design guide.

49. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

50. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities, except for Kincaid Road north of the Private Road, where existing trees shall be located approximately 7' from proposed sewer.

51. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer laterals.

52. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to abandon any existing unused water mains, sewer mains and manholes per the

Standard Specifications "GREENBOOK". Abandoned mains shall be filled with sand and grout. No concrete caps are permitted.

53. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

54. Prior to issuance of any building permits, the Owner/Permittee shall provide recorded Encroachment Maintenance and Removal Agreement (EMRA) for the proposed private sewer lateral(s) encroaching into the proposed easements.

55. Prior to issuance of any building permits, the Owner/Permittee shall provide recorded Water and Sewer Easements to the satisfaction of the Director of the Public Utilities Department and the City Engineer. These easements shall be Exclusive for Water and Sewer mains.

56. Prior to actual grading operations, the Owner/Permittee shall abandon the existing 8 inch public water mains as shown on Exhibit "A" within Halsey Road, and in the area on-site formerly identified by the Navy as Mitcher Road, to the satisfaction of the Director of the Public Utilities Department and the City Engineer. Any grading work may damage the existing water mains.

57. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on JUN 04 2013 and Resolution
No. R 308245.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Patricia J. FitzGerald
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

CITY OF SAN DIEGO. solely in its capacity as
the designated successor agency to the
Redevelopment Agency of the City of San Diego, a
former public body, corporate and politic

Owner/Permittee

By _____
NAME
TITLE

MCMILLIN – NTC, LLC
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on JUN 04 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

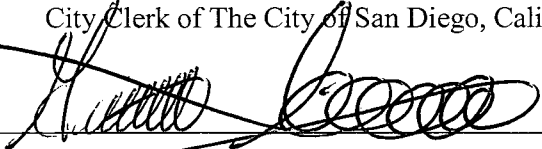
Date of final passage JUN 04 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308245