REPORT TO THE HEARING OFFICER

HEARING DATE: February 25, 2015 REPORT NO. HO 15-019

ATTENTION: Hearing Officer

SUBJECT: VAGABOND INN RECONFIGURATION
PROJECT NUMBER 386426

LOCATION: 625 Hotel Circle South

APPLICANT: Brian Longmore

SUMMARY

Issue(s): Should the Hearing Officer approve a Site Development Permit to increase the number of hotel rooms on a site developed with two hotels, one existing and one under construction, from 131 rooms to 168 rooms at 625 Hotel Circle South in the Mission Valley Community Planning area?

Staff Recommendation: APPROVE Site Development Permit No. 1354234 (Amendment to Site Development Permit No. 548042).

Community Planning Group Recommendation – The Mission Valley Community Planning Group voted 19-0-0 to recommend approval of the project on February 3, 2015 with the condition that the new building be consistent in façade treatment with the existing building. The project is consistent with this recommendation (Attachment 8).

Environmental Review: The project was determined to be consistent with Mitigated Negative Declaration No. 154312 previously certified by the Hearing Officer on December 16, 2009, pursuant to the California Environmental Quality Act (CEQA) Statutes 21166 and CEQA Guidelines 15162.

BACKGROUND/DISCUSSION

The proposed project is a Site Development Permit (Amendment to Site Development Permit No. 548042, Project No. 154312), to increase the number of hotel rooms on a 2.77-acre site developed with two hotels, one existing and one under construction, from 131 rooms to 168 rooms at 625 Hotel Circle South in the Mission Valley Community Planning area. The proposed project is located in the MV-CV zone of the Mission Valley Planned District Ordinance (MVPDO), the Southern Hillside Subdistrict, and the Development Intensity Overlay District
Area D within the Mission Valley Community Plan area. On December 16, 2009, the Hearing Officer approved Site Development Permit No. 548042, permitting the construction of a five-story hotel (currently identified as Holiday Express Inn) with 87 rooms on a site with an existing 88-room hotel (Vagabond Inn). The 88-room hotel was conditioned to be reduced to 44 rooms prior to the issuance of a building permit for the new hotel. The project requires a Site Development Permit Amendment to increase the number of rooms and delete the condition (Attachment 7, Recorded Permit Condition No. 53). In 2012, the Development Services Department approved a Process 1 Substantial Conformance Review to modify the original approval to include additional on-site parking, a new retaining wall and other minor changes.

The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the previously approved hotel from 87 to 92 for a total of 168 rooms. The project complies with all of the development regulations of the underlying zone. The project proposes 172 parking spaces were 168 parking spaces are required. The Development Intensity Overlay Zone limits development intensity to the levels allowed in the community plan. Threshold 2 of the MVPDO allows the site to accommodate a maximum of 1054 daily trips. A parking and trip generation analysis prepared for the project (Vagabond Inn – Parking/Trip Generation, by Urban Systems Associates, Inc, dated August 18, 2014) concluded that the on-site parking is adequate for the development and the project is consistent with the MVPDO in that 1,048 average daily trips would be generated.

CONCLUSION:

The project is consistent with the Mission Valley Community Plan, complies with the development regulations of the underlying MV-CV zone of the Mission Valley Planned District CC-4-2 Zone, and meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES:

1. APPROVE Site Development Permit No. 1354234 (Amendment to Site Development Permit No. 548042), with modifications.

2. DENY Site Development Permit No. 1354234 (Amendment to Site Development Permit No. 548042), if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Sandra Teasley, Development Project Manager

Attachments:
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Consistency Determination Memorandum
7. Recorded Permit - Site Development Permit No. 548042
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Plans
Mission Valley Community Plan Land Use

Land Use Map
VAGABOND INN RECONFIGURATION – PROJECT NO. 386426
625 HOTEL CIRCLE SOUTH

Project Site
Project Location Map

VAGABOND INN RECONFIGURATION - PROJECT NO. 386426
625 HOTEL CIRCLE SOUTH
WHEREAS, DPA INVESTMENTS, A CALIFORNIA CORPORATION, Owner/Permittee, filed an application with the City of San Diego for a permit to maintain a five-story hotel with 87 rooms (Holiday Inn Express), currently under construction, with an existing 88 room hotel for a total of 168 rooms (Vagabond Inn), where previously a total of 131 rooms were proposed. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit No. 548042, Project No. 154312 which requires the conversion of the 88-unit hotel to a 44-unit hotel (Vagabond Inn) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1354234), on portions of a 2.77-acre site;

WHEREAS, the project site is located at 625 Hotel Circle South in the MV-CV zone of the Mission Valley Planned District in the Mission Valley Community Plan;

WHEREAS, the project site is legally described as Parcels 1-3 of Parcel Map No. 21066;

WHEREAS, on February 25, 2015, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1354234, pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 25, 2015

FINDINGS:

SITE DEVELOPMENT PERMIT - SECTION 126.0504

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The project proposes an Amendment to Site Development Permit Project No. 548042, to increase the total number of rooms at a site developed with two hotels, one existing (Vagabond Inn) and one under construction (Holiday Inn Express), from 131 rooms to 168 rooms. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit No. 548042, requiring the conversion of the existing 88-room hotel to a 44-room hotel (Vagabond Inn). The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the proposed hotel from 87 to 92 for a total of 168 rooms. The site is located at 625 Hotel Circle South.
The site is zoned MV-CV of the Mission Valley Planned District, a commercial visitor zone, and designated as Commercial-Recreation within the Mission Valley Community Plan. The existing hotel use is consistent with the zone and land use regulation. The proposed modification to the number of rooms for the existing development will not adversely affect the applicant land use plan.

2. **THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.**

The project proposes an Amendment to Site Development Permit Project No. 548042, to increase the total number of rooms at a site developed with two hotels, one existing (Vagabond Inn) and one under construction (Holiday Express Inn), from 131 rooms to 168 rooms. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit No. 548042, requiring the conversion of the existing 88-room hotel to a 44-room hotel (Vagabond Inn). The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the proposed hotel from 87 to 92 for a total of 168 rooms.

The proposed project was designed to comply with all of the development regulations and no deviations are requested. The existing hotel use is consistent with the Commercial-Recreation land use designation of the Mission Valley Community Plan. The existing development complies with all applicable conditions of approval from Site Development Permit No. 548042, including public and private improvements, dedications and installation of infrastructure and brush management requirements. The proposed modification to the existing number of rooms will not be detrimental to the public health, safety and welfare.

3. **THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE APPLICABLE REGULATIONS OF THE LAND DEVELOPMENT CODE, INCLUDING ANY ALLOWABLE DEVIATIONS PURSUANT TO THE LAND DEVELOPMENT CODE.**

The project proposes an Amendment to Site Development Permit No. 548042, to increase the total number of rooms at a site developed with two hotels, one existing (Vagabond Inn) and one under construction (Holiday Express Inn), from 131 rooms to 168 rooms. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit Project No. 154312 requiring the conversion of the existing 88-room hotel to a 44-room hotel (Vagabond Inn). The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the proposed hotel from 87 to 92 for a total of 168 rooms. The site is located at 625 Hotel Circle South.

The proposed project is located in the MV-CV zone of the Mission Valley Planned District Ordinance (MVPDO), the Southern Hillside Subdistrict, and the Development Intensity Overlay District Area D within the Mission Valley Community Plan area. The project complies with all of the development regulations of the underlying zone. The project proposes 172 parking spaces were 168 parking spaces are required. The Development Intensity Overlay Zone limits development intensity to the levels allowed in the community plan. Threshold 2 of the MVPDO allows the site to accommodate a maximum of 1054 daily trips. A parking and trip generation analysis prepared for the project (Vagabond Inn – Parking/Trip Generation, by Urban Systems Associates, Inc, dated August 18, 2014) concluded that the on-site parking is adequate for the
development and the project is consistent with the MVPDO in that 1,048 average daily trips would be generated.

Therefore, the proposed modification to the existing number of rooms will comply with the applicable regulations of the Land Development Code.

MISSION VALLEY PLANNED DISTRICT FINDINGS SECTION 126.0504

1. **THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE MISSION VALLEY COMMUNITY PLAN AND THE PROGRESS GUIDE AND GENERAL PLAN.**

The project proposes an Amendment to Site Development Permit Project No. 548042, to increase the total number of rooms at a site developed with two hotels, one existing (Vagabond Inn) and one under construction (Holiday Express Inn), from 131 rooms to 168 rooms. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit No. 548042, requiring the conversion of the existing 88-room hotel to a 44-room hotel (Vagabond Inn). The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the proposed hotel from 87 to 92 for a total of 168 rooms. The site is located at 625 Hotel Circle South.

The site is zoned MV-CV of the Mission Valley Planned District, a commercial visitor zone, and designated as Commercial-Recreation within the Mission Valley Community Plan. The existing hotel use is consistent with the zone and land use regulation. The proposed modification to the number of rooms for the existing development will not adversely affect the applicant land use plan.

2. **THE PROPOSED DEVELOPMENT PROVIDES THE REQUIRED PUBLIC FACILITIES AND IS COMPATIBLE WITH ADJACENT OPEN SPACE AREAS.**

The project proposes an Amendment to Site Development Permit Project No. 548042, to increase the total number of rooms at a site developed with two hotels, one existing (Vagabond Inn) and one under construction (Holiday Express Inn), from 131 rooms to 168 rooms. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit No. 548042, requiring the conversion of the existing 88-room hotel to a 44-room hotel (Vagabond Inn). The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the proposed hotel from 87 to 92 for a total of 168 rooms. The site is located at 625 Hotel Circle South.

The site is zoned MV-CV of the Mission Valley Planned District, a commercial visitor zone, and designated as Commercial-Recreation within the Mission Valley Community Plan. The existing hotel use is consistent with the zone and land use regulation. The proposed modification to the number of rooms for the existing development will not adversely affect the applicant land use plan.
The existing development was required to pay the applicable Facility Benefit fees prior to the issuance of building permits (Ministerial Permit Application Project No. 336929). These fees will contribute to public facilities in the community. The project is conditioned to provide a 30-foot wide view corridor to protect views to the adjacent slopes. The proposed development provides the required public facilities and is compatible with adjacent open space areas.

3. **THE PROPOSED DEVELOPMENT MEETS THE PURPOSE, INTENT AND CRITERIA OF THE MISSION VALLEY PLANNED DISTRICT ORDINANCE INCLUDING THE APPLICABLE "GUIDELINES FOR DISCRETIONARY REVIEW" ADOPTED AS A PART OF THIS PLANNED DISTRICT.**

The project proposes an Amendment to Site Development Permit Project No. 548042, to increase the total number of rooms at a site developed with two hotels, one existing (Vagabond Inn) and one under construction (Holiday Express Inn), from 131 rooms to 168 rooms. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit No. 548042, requiring the conversion of the existing 88-room hotel to a 44-room hotel (Vagabond Inn). The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the proposed hotel from 87 to 92 for a total of 168 rooms. The site is located at 625 Hotel Circle South.

The purpose of the Mission Valley Planned District regulations is to ensure that development and redevelopment in Mission Valley will be accomplished in a manner that enhances and preserves sensitive resource areas; improves the vehicular, bicycle, pedestrian and public transit circulation network; provides reasonable use of property; and contributes to the aesthetic and functional well-being of the community. These regulations link development intensity to the traffic levels allowed under the adopted community plan, and respond to the unique topography of Mission Valley through land use and design criteria.

The site is zoned MV-CV of the Mission Valley Planned District, a commercial visitor zone, and designated as Commercial-Recreation within the Mission Valley Community Plan. The existing hotel use is consistent with the zone and land use regulation. The proposed development complies with all of the underlying zone requirements and the additional design guidelines contained in the Planned District. Those additional regulations include the requirement to maximum visibility of adjacent open space areas, long term maintenance of landscape areas and the provision of transportation demand management techniques. The original development was redesigned to provide increased buffers and setbacks, as well as the provision of a 30-foot wide view corridor to maximize visual access to the adjacent slopes at the rear of the building. Additionally, permit conditions require that landscape materials be maintained and, that a Transportation Demand Management Plan to include shuttle service to local attractions including San Diego International Airport, Mission Valley and Fashion Valley trolley stations, San Diego Zoo, Sea World, and Old Town; 50% transit subsidies for employees, bicycle parking spaces and lockers, electric vehicle reserved spaces, and transit/carpool/vanpool information kiosks, satisfactory to the City Engineer.

Therefore, the proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as a part of this planned district.
4. **THE PROPOSED DEVELOPMENT WILL COMPLY WITH ALL OTHER RELEVANT REGULATIONS IN THE SAN DIEGO MUNICIPAL CODE.**

The project proposes an Amendment to Site Development Permit No. 548042, to increase the total number of rooms at a site developed with two hotels, one existing (Vagabond Inn) and one under construction (Holiday Express Inn), from 131 rooms to 168 rooms. The project scope is to remove one condition of approval, Condition No. 53 of Site Development Permit Project No. 154312 requiring the conversion of the existing 88-room hotel to a 44-room hotel (Vagabond Inn). The project proposes the following: Decrease the number of rooms in the existing hotel from 88 to 76 and increase the number of rooms in the proposed hotel from 87 to 92 for a total of 168 rooms. The site is located at 625 Hotel Circle South.

The proposed project is located in the MV-CV zone of the Mission Valley Planned District Ordinance (MVPDO), the Southern Hillside Subdistrict, and the Development Intensity Overlay District Area D within the Mission Valley Community Plan area. The project complies with all of the development regulations of the underlying zone. The project proposes 172 parking spaces were 168 parking spaces are required. The Development Intensity Overlay Zone limits development intensity to the levels allowed in the community plan. Threshold 2 of the MVPDO allows the site to accommodate a maximum of 1054 daily trips. A parking and trip generation analysis prepared for the project (Vagabond Inn – Parking/Trip Generation, by Urban Systems Associates, Inc, dated August 18, 2014) concluded that the on-site parking is adequate for the development and the project is consistent with the MVPDO in that 1,048 average daily trips would be generated. The property also complies with all applicable regulations for landscaping, public infrastructure requirements, and engineering requirements including site drainage.

Therefore, the proposed modification to the existing number of rooms will comply with the applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1354234 (Amendment to Site Development Permit No. 548042) is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1354234, a copy of which is attached hereto and made a part hereof.

Sandra Teasley  
Development Project Manager  
Development Services  

Adopted on: February 25, 2015  

SAP Number 24005055
This Site Development Permit No. 1354234, (Amendment to Site Development Permit No. 548042) is granted by the Hearing Officer of the City of San Diego to DPA INVESTMENTS INC., a CALIFORNIA CORPORATION, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0502. The 2.77-acre site is located at 625 Hotel Circle South in the MV-CV Zone of the Mission Valley Planned District in the Mission Valley Community Planning area. The project site is legally described as Parcels 1-3, Parcel Map No. 21066.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to maintain two hotels on a property, one existing and one under construction, containing a total of 168 rooms where previously 131 rooms were proposed, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 25, 2015 on file in the Development Services Department.

The project shall include:

a. To maintain a hotel with 92 rooms (Holiday Inn Express), currently under construction, and previously approved for 87 rooms, and, an existing hotel previously approved for 44 rooms to be converted to 76 rooms for a total of 168 rooms (Vagabond Inn), where previously a total of 131 rooms were proposed;

b. Removal of Condition No. 53 of Site Development Permit No. 548042, which requires the conversion of the 88-unit hotel to a 44-unit hotel (Vagabond Inn);

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

d. Retaining walls to subterranean garage; and

e. 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 March 12, 2015.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
   a. The Owner/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. 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.

4. 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.

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

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

8. 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.

9. 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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. 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.

ENGINEERING REQUIREMENTS:

11. The drainage system proposed for this development is private and shall be privately maintained and subject to approval by the City Engineer.
ENVIRONMENTAL REQUIREMENTS:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 154312, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 154312, 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: Biology, Land Use Adjacency (MHPA), Archaeology and Paleontology.

LANDSCAPE REQUIREMENTS:

15. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

16. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

17. Prior to final inspection, the owner/permittee is responsible to repair/replace any landscape features damaged or removed during construction.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

18. The modified Brush Management Program shall consist of a modified Zone One varying from 50 to 76 feet, and no Zone Two, as permitted by the Deputy Fire Chief and in accordance with Sec. 142.0412(i) of the Land Development Code.

PLANNING/DESIGN REQUIREMENTS:

19. 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.

20. San Diego Municipal Code Section 103.2109 (n) (5) requires that architectural design and appearance throughout the development be complimentary. Construction drawings shall include
the pitched roofs as shown on the Exhibit “A” drawings. The existing hotel buildings and the new hotel building shall be painted complimentary colors.

21. The rear slope shall be re-contoured and re-vegetated as shown on exhibit “A” drawings. All retaining walls shall be colored, textured, or planed to have a natural appearance.

22. The height of the retaining wall leading to the underground parking may be measured from the elevation of the public street (Hotel Circle South).

23. A 30-foot wide public view corridor shall be maintained on the west side of the lot to allow for public views of the southern slopes of Mission Valley.

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

TRANSPORTATION REQUIREMENTS

25. No fewer than 168 parking spaces (172 provided) shall be permanently maintained on the site within the approximate location shown on the project's Exhibit "A", which includes 4 disabled accessible spaces and 1 van accessible space, 2 electric vehicle reserved spaces. Additionally, a minimum of 8 motorcycle and 9 bicycle spaces shall be provided on-site.

26. 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 purposes, unless otherwise authorized in writing by appropriate decision-maker in accordance with SDMC.

27. The hotel breakfast area and meeting rooms shall be for hotel guests only.

28. Prior to the issuance of the Certificate of Occupancy, Owner /Permittee shall provide a Transportation Demand Management Plan to include shuttle service to local attractions including San Diego International Airport, Mission Valley and Fashion Valley trolley stations, San Diego Zoo, Sea World, and Old Town; 50% transit subsidies for employees, bicycle parking spaces and lockers, electric vehicle reserved spaces, and transit/carpool/vanpool information kiosks, satisfactory to the City Engineer.

29. Prior to the issuance of the Certificate of Occupancy, the Owner/Permittee shall provide a minimum 4 foot wide clear sidewalk area along the entire project frontage along Hotel Circle South, satisfactory to the City Engineer.

30. Prior to the issuance of the Certificate of Occupancy, the Owner/Permittee shall dedicate an additional 2 feet along the entire frontage of Hotel Circle South, to provide a minimum 10 foot curb to property line distance, satisfactory to the City Engineer.
31. Prior to the issuance of the Certificate of Occupancy, the Owner/Permittee shall provide an Irrevocable Offer of Dedication (I.O.D.) of 30 feet along its entire frontage along Hotel Circle South, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

32. All onsite water and sewer facilities will be private and 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.

33. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

34. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, if required in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

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 Hearing Officer of the City of San Diego on February, 25, 2015 and Approved Resolution Number _______.
Permit Type/PTS Approval No.: 
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES 
DEPARTMENT

SANDRA TEASLEY 
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.

DPA INVESTMENTS INC. 
Owner/Permittee

By ____________________________

BHAVESH PATEL
CEO/SECRETARY/CFO

NOTE: Notary acknowledgments 
must be attached per Civil Code 
section 1189 et seq.
The Development Services Department has completed a SCR evaluation for the Vagabond Inn Reconfiguration project. The review was limited to consideration of California Environmental Quality Act issues associated with the SCR. It is the determination of the Development Services Department that the project is consistent with the previously certified Mitigated Negative Declaration No. 154312.

Taking into consideration the additional analysis conducted by Development Services Department along with review of the previously certified environmental documents, it was concluded that the project would not result in a substantially changed project. The SCR consists of the increase of the number of hotel rooms from 131 rooms to 168 rooms. The increase in the number of rooms would not trigger the preparation of a traffic study nor any other CEQA related issues. Furthermore, the project would not result in new impacts or changed circumstances that would require a new environmental document.

Section 15162 of the California Environmental Quality Act Guidelines states that when an EIR has been certified or a Negative Declaration adopted for a project, no subsequent or supplemental EIR or Negative Declaration shall be prepared for that project unless one or more of the following events occur:
1. Substantial changes are proposed to the project

2. Substantial changes occur with respect to circumstances under which the project is being undertaken

3. New information, which was not known or could not have been known at the time the Environmental Impact Report or Negative Declaration was certified as complete, becomes available.

Therefore, because the modification of the parking layout and revised landscaping did not trigger one of the three above criteria, Development Services Department did not find the need to prepare a subsequent or supplemental environmental document. All issues for the American Council on Exercise have been adequately addressed pursuant to the California Environmental Quality Act for the project.

Jeffrey Szymanski
Senior Planner

JS/js

cc: Sandra Teasley, Development Services Department
    Environmental File
SITE DEVELOPMENT PERMIT NO. 548042
HAMPTON INN MISSION VALLEY - PROJECT NO. 154312 (MMRP)
RESCIND PCD NO. 83-0787
HEARING OFFICER

This Site Development Permit is granted by the Hearing Officer of the City of San Diego to San Diego Hotel Holdings Incorporated, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0502. The 2.77-acre site is located at 605 Hotel Circle South, in the MV-CV Zone of the Mission Valley Planned District, Development intensity Overlay District Area D3, Transit Area Overlay Zone and within the Mission Valley Community Plan area. The project site is legally described as Parcels 1 and 2, Parcel Map No. 15463 and Parcels 1 and 2, Parcel Map No. 17392.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a five-story hotel, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 16, 2009, on file in the Development Services Department.

The project shall include:

a. To construct a five-story hotel with 87 rooms, to total approximately 12,548 square feet of gross floor area, with an existing 88 room hotel to be converted into 44 suite rooms to remain for a total of 131 rooms on a 2.77-acre property;

b. Landscaping (planting, irrigation and landscape related improvements);

c. Off-street parking, 42 existing parking spaces with 161 parking spaces added for a total of 203 parking spaces, where the minimum required parking spaces is 142;

d. Retaining walls to subterranean garage; and
e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit 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.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
   a. The Owner/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 Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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 continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the 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.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be in substantial conformity to Exhibit “A.” No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in MITIGATED NEGATIVE DECLARATION, NO. 154312, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in MITIGATED NEGATIVE DECLARATION NO. 154312, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

BIOLOGY, LAND USE ADJACENCY (MHPA), ARCHAEOLOGY AND PALEONTOLOGY

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City’s costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded 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.

16. The drainage system proposed for this development is private shall be privately maintained and subject to approval by the City Engineer.

17. Prior to the issuance of the building permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveways to comply with City Standard Drawings G-14A, G-16 and SDG-100 satisfactory to the city engineer.

18. Prior to the issuance of the building permits, the Owner/Permittee shall dedicate 2.0 feet at Camino Del Rio South to provide a minimum 10.0 feet curb to property line distance satisfactory to the city engineer.

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

20. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.
LANDSCAPE REQUIREMENTS:

22. Prior to issuance of Grading Permits; the Owner/Permittee shall submit landscape construction documents for the re-vegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental MMRP conditions) and Exhibit "A."

23. Prior to issuance of Building Permits; the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

24. Prior to issuance of a Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

25. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

26. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

27. 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, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

28. Prior to issuance of Grading Permits; the Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory, "Attachment 1" of the Biological Assessment Report [dated May, 2009] and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

29. Prior to issuance of Grading Permits; the Owner/Permittee shall ensure that all existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the development area of the premises when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises [LDC 142.0403(b)(2)].

30. Prior to issuance of Building Permits; the Owner/Permittee shall add additional street trees to the Vagabond Inn Hotel Circle South street frontage. These trees should be either in a landscaped...
parkway between the street and sidewalk, or placed adjacent to the street using tree grates consistent with the Land Development Manual, Landscape Standards for street trees to the satisfaction of the Development Services Department.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

31. The Permittee or Subsequent Owner shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit 'A', Brush Management Plan, on file in the Office of the Development Services Department.

32. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the modified Brush Management Zone One on the property in substantial conformance with Exhibit 'A'.

33. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Uniform Fire Code, M.C. 55.0101; the Land Development Manual, Landscape Standards; and the Land Development Code, Brush Management Regulations.

34. The Modified Brush Management Program shall implement one zone consistent with the Land Development Code, Brush Management Regulations as follows: "Parcel's 1 and 2 of Map #15463 and Parcel's 1 and 2 of Map #17392" shall have a Modified Zone One of approximately 61.6 feet in width and no Zone Two as permitted by the Deputy Fire Chief in accordance with Section 142.0412(i) of the Land Development Code, Brush Management Regulations.

35. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and Development Services Department approval.

36. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on-site with the contractor and the Development Services Department to discuss and outline the implementation of the Modified Brush Management Program."

37. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Analysis Section [LAS] and the Environmental Analysis Section [EAS].

38. Prior to issuance of a Certificate of Occupancy, the approved Modified Brush Management Program shall be implemented. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Manual, Landscape Standards.
PLANNING/DESIGN REQUIREMENTS:

39. No fewer than a minimum of 142 automobile spaces are required (including 5 standard accessible spaces and 1 van accessible space), 3 motorcycle spaces, and 3 bicycle spaces with rack(s) are required. A total of 203 automobile parking spaces are illustrated on the plans (including 8 standard accessible spaces and 2 van accessible spaces), 5 motorcycle spaces, and 28 bicycle spaces with rack(s) are shown on the project's Exhibit "A". All required off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

40. 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.

41. San Diego Municipal Code Section 103.2109(n) (5) requires that architectural design and appearance throughout the development be complimentary. Construction drawings shall include the pitched roofs as shown on the Exhibit "A" drawings. The existing hotel buildings and the new hotel building shall be painted complimentary colors.

42. The rear slope shall be re-contoured and re-vegetated as shown on Exhibit "A" drawings. All retaining walls shall be colored, textured, or planted to have a natural appearance.

43. All retaining walls shall comply with applicable height regulations. Retaining walls shall not exceed 6 feet within required yards and 12 feet outside of required yards. The height of the retaining wall leading to the underground parking may be measured from the elevation of the public street (Hotel Circle South).

44. A 30-foot wide public view corridor shall be maintained on the west side of the lot to allow for public views of the southern slopes of Mission Valley.

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

46. 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.

47. The proposed room conversion to suites for the existing Vagabound Inn Motel cannot be rented separately as individual rooms, but used strictly as suites, to the satisfaction of the Development Services Department.
TRANSPORTATION REQUIREMENTS

48. The hotel breakfast area and meeting room are for hotel guest use only.

49. The Owner/Permittee shall provide a shuttle for hotel guests to the airport, trolley station, San Diego Zoo, Sea World, and Old Town, satisfactory to the City Engineer.

50. Prior to the issuance of the first building permit, the Owner/Permittee shall provide a minimum 4 foot wide clear sidewalk area shall be provided along the entire project frontage along Hotel Circle South, satisfactory to the City Engineer.

51. Prior to the issuance of the first building permit, the Owner/Permittee shall dedicate an additional 2 feet along its entire frontage of Hotel Circle South, to provide a minimum 10 foot curb to property line distance, satisfactory to the City Engineer.

52. Prior to the issuance of the first building permit, the Owner/Permittee shall provide an Irrevocable Offer of Dedication (I.O.D.) of 30 feet along its entire frontage along Hotel Circle South, satisfactory to the City Engineer.

53. Prior to the issuance of the building permit for the proposed hotel structure, the existing motel shall have completed the conversion from the existing 88 rooms to the proposed 44 suites, to the satisfaction of the City Engineer.

WASTEWATER REQUIREMENTS:

54. Sewer connections to a trunk sewer (18 inches or larger) shall be designed so as to prevent migration of gases into the proposed sewer or lateral. Therefore the developer will be required to design and construct these connections per the most current City of San Diego sewer design guide for "Odorless" connection.

55. All on-site wastewater systems shall be private.

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

57. All proposed public sewer facilities shall be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed. Re-design may include, but not limited to, land form modification and changes to street alignments.

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

59. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a 12-inch diameter water main within a 24' (Min.) water easement to provide fire flow and domestic demands for the project. The water main must be constructed from the existing 8-inch diameter water main in Hotel Circle South right-of-way adjacent to the project site. The water main must extend 5' south of the proposed domestic water service, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

60. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a 12"x12" tee and 3 valves to the existing 8-inch diameter water main in Hotel Circle South right-of-way, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

61. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of Public Utilities and the City Engineer. Easements, as shown on approved Exhibit "A", will require modification based on standards at final engineering.

62. Prior to the issuance of any building permits, the Owner/Permittee shall process Encroachment Maintenance and Removal Agreement (EMRA) for all acceptable encroachments within the water easement. No structures or landscape of any kind shall be installed in or over any vehicular access easement.

63. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

64. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

65. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

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

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego by Resolution No. HO-6265-2 on December 16, 2009.
WHEREAS, San Diego Holdings Incorporated, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a five-story, hotel with 87 guest rooms with an attached structured parking garage on a property containing an existing hotel to remain (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 548042), on portions of a 2.77 acre site;

WHEREAS, the project site is located at 605 Hotel Circle South, in the MV-CV Zone of the Mission Valley Planned District, Development Intensity Overlay District Area D3, Transit Area Overlay Zone and within the Mission Valley Community Plan area;

WHEREAS, the project site is legally described as Parcel 1 and 2, Parcel Map No. 15463 and Parcel 1 and 2, Parcel Map No. 17392;

WHEREAS, on December 16, 2009, the Hearing Officer of the City of San Diego considered Site Development Permit No. 548042, pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated December 16, 2009.

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The project proposes to rescind the previous PCD Permit No. 83-0787 and to construct a five-story, hotel with 87 guest rooms with an attached parking structure on a property containing an existing 88 room motel, which will convert the existing 88 rooms to 44 suites, for a total of 131 rooms and will not adversely affect the Mission Valley Community Plan, because the proposed development has been found consistent with the plan's Commercial-Recreation land use designation, which does allow for the proposed hotel use. The proposed development was also found consistent with the development regulations of the MV-CV Zone of the Mission Valley Planned District and the Environmentally Sensitive Lands development regulations. The 2.77-acre project site is designated for Commercial-Recreation development, which allows for a commercial hotel use. The current proposal is construct a five-story, hotel with 87 guest rooms with an attached parking structure on a property containing an existing motel to remain with
vehicular access and parking designed to be taken from a public street, Hotel Circle South.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.**

The proposed development is to rescind the previous PCD Permit No. 83-0787 and construct a five-story, 87 guest room hotel with an attached structured parking on a property containing an existing motel to remain. The proposed project has been designed to comply with all of the applicable development regulations, including the MV-CV Zone, brush management requirements and the environmentally sensitive lands regulations. The environmental review, initial study, determined that the project would not have a potential significant environmental effect on public health, safety and welfare. Mitigated Negative Declaration No. 154312 was prepared in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. No potential significant impacts were found and therefore the construction of the proposed five-story hotel with attached structured parking would not be detrimental to the public health, safety and welfare.

3. **The proposed development will comply with the applicable regulations of the Land Development Code.**

The proposed development is to rescind the previous PCD Permit No. 83-0787 and construct a five-story, 87 room hotel with an attached structured parking on a property containing an existing 88 room motel to be converted to 44 suites, to remain on site, will comply with the development regulations of the MV-CV Zone of the Mission Valley Planned District, the Environmentally Sensitive Lands Regulations and the Mission Valley Community Plan. This project was determined by City Staff during the review that the proposed five-story, 87 room hotel with an attached structured parking does not negatively impact environmentally sensitive lands. The proposed building is being placed within an area which has previously been disturbed. This area currently contains old foundations of previous buildings. City Staff also review aerial photos, past grading plans and the submitted geology report to make the determination of past disturbance. The project site was thought to have contained steep slopes and sensitive biology. However, during the review this southern portion of the site was determined to be previously disturbed and thus not subject to the Environmentally Sensitive Lands Regulations.

The City’s Transportation Section reviewed the project from a traffic standpoint and the existing motel was determined to generate a total of 704 trips per day. The proposed project, which will increase the number of hotel rooms on site to 87, was determined to generate an additional 344 new daily trips for a total of 1048 daily trips. Mission Valley Threshold 2 of the Mission Valley Planned District Ordinance allows the site to accommodate 1054 daily trips. The Transportation Section determined that the proposed project was not required to prepare an additional traffic analysis and the project is in compliance with the existing regulations.
The project is located within the Mission Valley Southern Hillside Subdistrict, Land Development Code Section 1514.0303(C)(1)(A), which limits the maximum building height to 65 feet. This project was redesigned during the review in order to comply, with the proposed height at 65 feet. The project's driveway on the west side of the property is designed to be utilized as a 30 foot public view corridor to the southern hillside of Mission Valley. This 30 foot public view corridor design is also a condition of the draft SDP Permit.

This project's draft permit contains a condition requiring that the existing two-story motel paint its exterior in a matter to be compatible with the proposed structure. The project site is zoned MV-CV by the Mission Valley Planned District, for commercial use and the site and proposed development all comply with the requirements of that zone.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 548042, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 548042, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: December 16, 2009

Job Order No. 43-0720
Permit Type/PTS Approval No.: SDP No. 548042
Date of Approval: Dec. 16, 2009

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas, 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.

San Diego Hotel Holdings Inc.
Owner/Permittee

By

Mr. Bhavesh Patel, San Diego Hotel Holdings Inc.

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

Rev. 05/13/09 th
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Diego
On Mar. 22, 2010 before me, Stacie L. Maxwell Notary Public,
personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ________________________________
Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Hampton Inn Mission Valley
Document Date: 03/22/2010 Number of Pages: 1
Signer(s) Other Than Named Above: 

Capacity(ies) Claimed by Signer(s)

Signer's Name: 

☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: ____________________________

Signer Is Representing: ____________________________

Signature ________________________________

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CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

State of California
County of San Diego

On 02/25/10 before me, Mir Ali, Notary Public,

personally appeared BHAVESH GATEL Notary Public

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public
Mir Ali, Notary Public

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

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INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to this document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears with in his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural form by crossing off incorrect forms (i.e. if the notary is an attorney, the correct form is "attorney" not "attorneys" or circling the correct form). Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photograpically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
- Indicate title or type of attached document, number of pages and date.
- Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.
Following is an excerpt from the DRAFT February 2014 Mission Valley Planning Group minutes:

1. Agenda Item J-1. Mission Valley Holiday Inn Express at 625 Hotel Circle-CJ Conrad-- Action Item

Proposed Draft Motion:
"To accept the amendment to Site Development Permit (SDP) #548042 / Project #386426 where by 88 rooms shall be reduced to 76 rooms at the Vagabond Inn (625 Hotel Circle South) and to modify room count from 104 combination rooms to 104 single new rooms at the Holiday Inn Express (635 Hotel Circle South) for a combined total of 168 rooms between the two properties and to modify the parking to meet the city’s required parking ratio of 1:1 ratio, by providing the necessary parking spaces.”

Robin Madaffer presented an overview of the project:

A Site Development Permit Amendment has been applied for to reduce the existing rooms at the Vagabond Inn (625 Hotel Circle South) from 88 rooms to 76 rooms, and South of the Vagabond Inn at the Holiday Inn Express (635 Hotel Circle South) to convert 16 2-rooms suites into 32 single rooms, without moving any existing walls or adding any additional square feet to the building. There would be a combined room count of 168 rooms between both properties.

At this time there are no physical changes to the buildings as approved in the existing SCR and Entitlements. Included in the application per the city’s request is a Traffic Study which supports a room count to parking ratio of 1:1. The project is providing a total of 172 parking spaces, instead of the 168 called out for by the City. The site layout has been modified to incorporate the 172 parking spaces, taking into account the city’s requirements in terms of the proper parking ratio, ADA parking, motorcycle parking, bike spaces, electric vehicles and landscape requirements.

Questions/Comments:

- Reason for the need for a site development permit
- Is this an after the fact request
- Further explanation of Average daily traffic (ADT) projections
- External changes to current Vagabond Inn

Marco Sessa moved to recommend the amendment to Site Development Permit (SDP) #548042 / Project #386426 provided that any exterior work to the Vagabond Inn be consistent with the exterior façade of the existing Vagabond Inn and/or the exterior façade of the new hotel. Perry Dealy seconded the motion. Motion was approved 19 – 0 – 0.
ATTACHMENT 9

OWNERSHIP DISCLOSURE STATEMENT PTS 386426

Owner: DPA INVESTMENTS INC.

CEO, Secretary, and CFO: Bhavesh Patel
Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

[ ] Corporation  [ ] Limited Liability -or- [ ] General  What State? CA  Corporate Identification No. C2482571  
[ ] Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached  [ ] Yes  [ ] No

Corporate/Partnership Name (type or print):

DPA Investments, Inc.

Street Address:

3990 Old Town Avenue, Bldg C, Suite 200

City/State/Zip:

San Diego, CA 92110

Phone No:

619-293-3349

Fax No:

619-293-4871

Name of Corporate Officer/Partner (type or print):

Bhavesh "Bobby" Patel  CEO/Secretary/CFO

Title (type or print):

CEO

Signature:

Date: 8/14/14

Corporate/Partnership Name (type or print):

[ ] Owner  [ ] Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :  

Date:

Corporate/Partnership Name (type or print):

[ ] Owner  [ ] Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :  

Date:

Corporate/Partnership Name (type or print):

[ ] Owner  [ ] Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :  

Date:
FIRE DEPARTMENT NOTES


5. MATERIALS TRASH DUMPING THREE TIMES A DAY, AT 9:00 AM, 12:00 PM, AND 3:00 PM. THE PHYSICALITY OF THE BUILDING DELAYS THE LAVATORY'S LAUNDRY, HAVING BEEN IN THE LIMITS OF THE FIRE DEPARTMENT LABORATORY, AND WITHIN THE LIMITS OF THE FIRE DEPARTMENT LABORATORY.


REFERENCE MAP

NEW BUILDING

EXISTING BUILDING

REMODLED BUILDING

EXISTING REMOVED BUILDING

NEW BUILDING

ZONE 1

SEE PREVIOUS SHEET FOR BRUSH MANAGEMENT PLAN AND PLANT LEGEND

ALL LANDSCAPE ON SITE TO HAVE PERMANENT AUTOMATIC IRRIGATION, INCLUDING FIRE ZONE 1

ATTACHMENT 10