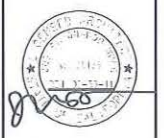


**LIBERTY STATION
EAST HOTEL SITE
HARBOR DRIVE
SAN DIEGO, CALIFORNIA**

LIBERTY STATION EAST HOTEL SITE
HARBOR DRIVE
SAN DIEGO, CALIFORNIA
PROJECT NO. 2933
DATE: 02/27/2013
DRAWN BY: KY
CHECKED BY: DO
SCALE: 1"=40'

JWDA
San Diego County Department of Planning and Community Development
1000 Camino del Rio South, Suite 1000
San Diego, CA 92108
Phone: (619) 444-2222 Fax: (619) 444-2222

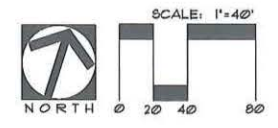


**SHEET DESCRIPTION
EXISTING TREE PLAN**

SUBMITTAL:	DATE	
PLANNED DEVELOPMENT PERMIT APPLICATION	01/15/12	
COASTAL DEVELOPMENT PERMIT APPLICATION	-	
REVISIONS:		
NO.	DESCRIPTION	DATE

Project Number 2933
Date 02/27/2013
Drawn By KY
Checked By DO
L-07
Sheet 34 of 35
Scale

- LEGEND**
- TREE TO BE REMOVED (X)
 - TREE TO REMAIN IN PLACE (circle with dot)
 - PALM TO BE REMOVED (circle with X)
 - PALM TO BE RELOCATED (circle with dot and X)
 - PALM TO REMAIN IN PLACE (circle with dot)



Wimmer Yamada and Caughey
Landscape Architecture | Environmental Planning
1405 Fifth Avenue, San Diego, CA 92101
Tel: 619.594.1000 | Fax: 619.594.1001 | www.wyca.com



**LIBERTY STATION
EAST HOTEL SITE**
HARBOR DRIVE
SAN DIEGO, CALIFORNIA

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JWDA
ARCHITECTURE/LANDSCAPE/INTERIOR DESIGN
Joseph Wong, Design Architect
2028 Fourth Avenue
San Diego, California 92101-1909
Phone (619) 528-4777 Fax (619) 207-2041



SHEET DESCRIPTION
EXISTING TREE AERIAL PLAN

SUBMITTAL:	DATE
PLANNED DEVELOPMENT PERMIT APPLICATION	01/16/12
COASTAL DEVELOPMENT PERMIT APPLICATION	

REVISIONS:		
NO.	DESCRIPTION	DATE

Project Number **2933**
Date **02/27/2013**
Drawn By **KY**
Checked By **DO**

L-08
Sheet 35 of 36
Scale



Winner Yamada and Caughay
Landscape Architecture | Environmental Planning
3075 Fifth Avenue, San Diego, California 92108
444-4444 | 619-594-0000

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 _____, 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)).
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking (including 15 parking spaces dedicated for public coastal access);
- d. Construction of a public esplanade along the boat channel within the 150-foot wide public access easement area;
- e. Subdivision of the property subject to Vesting Tentative Map No. 1001491; and
- f. 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 _____.
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 then transition 288' north of North Harbor Drive to 34.5' wide to the existing Private Drive including curb, gutter and non-contiguous sidewalk along the westerly side and a 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.

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 _____ and Resolution No. _____.

Permit Type/PTS Approval No.: PDP No. 1001489

Date of Approval: _____

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.

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

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

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. ____-PC voted to recommend City Council approval of the actions; and

WHEREAS, the matter was set for public hearing on _____, 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; 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 Halsey Street, and vacation of existing water, sewer 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 Halsey Street, and vacation of existing water, sewer 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 Halsey Street, and vacation of existing water, sewer 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 Halsey Street, and

vacation of existing water, sewer 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. 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 _____

Deputy City Attorney

____/____/2013
Or.Dept:DSD
Doc. No.:

CITY COUNCIL RESOLUTION NUMBER R-_____

**VESTING TENTATIVE MAP NO. 10014911
LIBERTY STATION EAST HOTEL DEVELOPMENT/NTC UNIT 8
PROJECT NO. 285352 [MMRP]**

WHEREAS, MCMILLIN – NTC, LLC, Subdivider, and ROBERT R. GEHRKE, RBF CONSULTING, P.E., Engineer, submitted an application to the City of San Diego for Vesting Tentative Map No. 1001491, including vacation of a portion of the Halsey Street public right-of-way, and vacation of portions of existing water and storm drain easements, for the Liberty Station East Hotel Development/ NTC Unit 8 Project, which consists of demolition of an existing commercial parking lot and construction of a 650-room hotel development. 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; and

WHEREAS, the Map proposes the Subdivision of a 15.85-acre site into five (5) lots; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on April 11, 2013, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1001491 and Public Right-of-Way and Easement

(R-[Reso Code])

Vacations, and pursuant to Planning Commission Resolution No. PC-_____, the Planning Commission voted to recommend City Council approval of the map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on _____, the City Council of the City of San Diego considered Vesting Tentative Map No. 1001491 and Public Right-of-Way and Easement Vacations, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0430, 125.0941, 125.1040 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 10014911:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

The project proposes subdivision of the 15.85-acre property located east of the NTC boat channel at the intersection of North Harbor Drive and Lee Court, into five lots (including vacation of a portion of Halsey Street, and vacation of existing water, sewer and storm drain easements) to accommodate construction of a new 650-room hotel development, including construction of new water, sewer, storm water and other public infrastructure facilities, and development of a 150-foot wide public access Esplanade area. The project site is located in the CC-5-5 Zone and within the Business Hotel Subarea of the NTC Precise Plan/LCP, within the

Peninsula Community Plan area. The NTC Precise Plan/LCP 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 project proposal is consistent with this land use designation. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, and as allowed through the Planned Development Permit process, 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 planning of the site 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, promotion of public coastal access by integrating waterfront pedestrian and bicycle paths with placement of the hotels, implementation of the 150-foot wide public Esplanade along the edge of the NTC boat channel, orienting guest rooms away from the adjacent planned Regional Public Safety Training Institute (RPSTI), and placement of buildings away from airport activities and noise sources associated with Lindbergh Field.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The project proposes subdivision of the 15.85-acre property located east of the NTC boat channel at the intersection of North Harbor Drive and Lee Court, into five lots (including vacation of a portion of Halsey Street, and vacation of existing water, sewer and storm drain easements) to accommodate construction of a new 650-room hotel development, including construction of new water, sewer, storm water and other public infrastructure facilities, and development of a 150-foot wide public access Esplanade area. The NTC Precise Plan/LCP 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 project site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

(R-[Reso Code])

The project proposes subdivision of the 15.85-acre property located east of the NTC boat channel at the intersection of North Harbor Drive and Lee Court, into five lots (including vacation of a portion of Halsey Street, and vacation of existing water, sewer and storm drain easements) to accommodate construction of a new 650-room hotel development, including construction of new water, sewer, storm water and other public infrastructure facilities, and development of a 150-foot wide public access Esplanade area. The Tentative Map was reviewed by the City of San Diego for conformance to the Land Development Regulations, Californian Building Code, and Land Use Policies. A Water Quality Technical Report and a Drainage Study were prepared for the proposed project by RBF Consulting (December 19, 2012), and Best Management Practices (BMPs) necessary to minimize the impacts of surface water runoff were identified, and these BMPs are included in the project design. Addendum No. 285352 to EIR SCH No. 99081140 and MND No. 99-1076 (SCH No. 2000081037) has been prepared for the project in accordance with Section 15164 of the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, the potential impacts identified in the environmental review process. As discussed in Addendum No. 285352 to EIR SCH No. 99081140 and MND No. 99-1076 (SCH No. 2000081037), although the site lies adjacent to the existing NTC boat channel and includes development of pedestrian and bicycle access along the waterfront as part of the broader planned Esplanade, no aspects of the project as proposed would provide direct access to the boat channel, and the proposed project does not involve any development within the boat channel. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The Project has been conditioned through Planned Development Permit No. 1001489 and Vesting Tentative Map 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. The proposed subdivision and hotel development will not be detrimental to the public health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The project proposes subdivision of the 15.85-acre property into five lots (including vacation of a portion of Halsey Street, and vacation of existing water, sewer and storm drain easements) to accommodate construction of a new 650-room hotel development. New public

(R-[Reso Code])

easements will be acquired to coordinate with construction of new water, sewer, storm water and other public infrastructure facilities. An existing 150 foot wide public access easement runs along the west portion of the site fronting the NTC boat channel, and will remain in place. This area will be developed with a 150-foot wide Esplanade providing unencumbered pedestrian and bicycle friendly public access along the waterfront, connecting to the existing broader Esplanade program on the opposite side of the boat channel. Neither the design of Vesting Tentative Map No. 10014911, nor the type of improvements proposed by the project, will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed subdivision of the 15.85-acre property into five lots to accommodate construction of a new 650-room hotel development will not impede or inhibit any future passive or natural heating and cooling opportunities. Each new hotel structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed subdivision of the 15.85-acre property into five lots to accommodate construction of a new 650-room hotel development on property designated for business hotel use by the NTC Precise Plan/LCP. The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region, and finds that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1001491 and Public Right-of-Way and Easement

ATTACHMENT 8

(R-[Reso Code])

Vacations are hereby granted to MCMILLIN – NTC, LLC, Subdivider, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]
R-R-[Reso Code]

ATTACHMENT: Vesting Tentative Map Conditions

Internal Order No. 24002873

CONDITIONS FOR VESTING TENTATIVE MAP NO. 10014911
LIBERTY STATION EAST HOTEL DEVELOPMENT/NTC UNIT 8
PROJECT NO. 285352 [MMRP]

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map No. 1001491 will expire _____.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 1001489.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. 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.

Project No. 285352
VTM No. 1001491

7. 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.
8. 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.
9. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.
10. Any export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
11. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for private curb, gutter and privately maintained pavement in the Lee Court public right-of-way.
12. The drainage system proposed for this project is private, except for those portions in public rights-of-way or within easements granted to the City. The drainage system is subject to approval by the City Engineer.

13. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
14. The subdivider shall construct sidewalk in the North Harbor Drive public right-of-way westerly of Lee Court, to the satisfaction of the City Engineer.
15. The subdivider shall install a street light in the Lee Court public right-of-way satisfactory to the City Engineer.
16. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
17. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

19. The easements shown on the Vesting Tentative Map exhibit will be vacated pursuant to section 66445(j) of the Subdivision Map Act.
20. A Final Map is required to consolidate the 6 existing lots into 5 lots and to subdivide the ownership interest as a condition of the Vesting Tentative Map.
21. Provide an updated Preliminary Title Report that is not older than three months at time of submittal.
22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
23. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The

specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

24. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WASTE WATER/WATER

25. Prior to recordation of Final Map, the Subdivider shall vacate the existing public water easements in Mitcher and Halsey Roads to the satisfaction of the Director of the Public Utilities Department and the City Engineer.
26. Prior to abandonment of the existing 8 inch water mains, the proposed water mains must be constructed and operationally accepted by the Public Utilities Department.
27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

GEOLOGY

28. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

TRANSPORTATION

29. 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.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

INTERNAL ORDER NUMBER: 24002873

RESOLUTION NUMBER R- _____

DATE OF FINAL PASSAGE _____

A RESOLUTION CERTIFYING ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (EIR) STATE CLEARINGHOUSE (SCH) NO. 99081140 AND MITIGATED NEGATIVE DECLARATION (MND) SCH NO. 2000081037 FOR NAVAL TRAINING CENTER (NTC) UNIT 8 HOTEL DEVELOPMENT (LIBERTY STATION EAST HOTEL DEVELOPMENT) NO. 285352.

WHEREAS, on July 12, 2012, 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 McMillan NTC, LLC, Permittee, submitted an application to the Development Services Department for a PLANNED DEVELOPMENT PERMIT (PDP), VESTING TENTATIVE MAP (VTM), EASEMENT VACATIONS for the NTC Unit 8 Hotel Development (Liberty Station East Hotel Development) No. 285352; and

WHEREAS, on _____, the City Council of the City of San Diego adopted Resolution No. _____, certifying Addendum No. 285352 to EIR SCH No. 99081140 and MND SCH No. 2000081037, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final EIR and/or MND if such Addendum meets the requirements of CEQA; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is 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 City Council of the City of San Diego as follows:

1. That the information contained in the final EIR SCH No. 99081140 and MND SCH No. 2000081037 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council of the City of San Diego prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Addendum No. 285352 to EIR SCH No. 99081140 and MND SCH No. 2000081037 for the Project.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Addendum No. 285352 to EIR SCH No. 99081140 and MND SCH No. 2000081037 or that any significant effects previously examined will be substantially more severe than shown in the Addendum No. 285352 to EIR SCH No. 99081140 and MND SCH No. 2000081037.
4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline

to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.

5. That pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council of the City of San Diego adopts Addendum No. 285352 to EIR SCH No. 99081140 and MND SCH No. 2000081037 with respect to the Project, a copy of which is on file in the office of the Development Services Department.

6. That pursuant to CEQA Section 21081.6, the City Council of the City of San Diego adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council of the City of San Diego in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

7. That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: _____

Deputy City Attorney

:
/ /13
Or.Dept: DSD
Doc. No.

Attachment: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

**PLANNED DEVELOPMENT PERMIT (PDP), VESTING TENTATIVE MAP (VTM),
EASEMENT VACATIONS**

PROJECT NO. 285352 _____

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Advanced Planning and Engineering, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum No. 285352 to EIR SCH No. 99081140 and MND SCH No. 2000081037 shall be made conditions of Planned Development Permit and Vesting Tentative Map as may be further described below.

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel

and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.

The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: Initial Study/Addendum to the NTC Redevelopment EIR for The NTC Unit 8 Hotel (Project Number 285352)

Paleontologist and Biologist

Note:

Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at **858-627-3360**

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) #285352, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency. N/A

4. MONITORING EXHIBITS

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<i>Issue Area</i>	<i>Document submittal</i>	<i>Associated Inspection/Approvals/Note</i>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring	Prior to or at the Pre-Construction Meeting
Biology	Biology Reports	Limit of work verification
Paleontology	Paleontology Reports	Paleontology observation
Final MMRP		Final MMRP Inspection

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS
LAND USE**

1. Prior to issuance of the first certificate of occupancy, an avigation easement shall be recorded over the project site with the County Recorder.

NOISE

1. In accordance with the AEOZ and California Noise Standards, the MMC shall review noise studies in the noise-impacted areas prior to issuance of building permits to confirm that appropriate noise attenuation measures are proposed. The MMC shall confirm that noise attenuation measures have been implemented in accordance with California Noise Standards, State Building Code – Title 24 before issuance of a certificate of occupancy for each hotel.

HEALTH AND SAFETY

1. Construction access controls shall be identified on construction plans and implemented

during all trenching and major earthwork.

PALEONTOLOGICAL RESOURCES

If construction activities require excavation or grading into the Bay Point Formation then the following mitigation measure shall be implemented:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

GEOLOGY

1. Prior to issuance of first building permit, prepare a site-specific foundation investigation to include mitigation of liquefaction. Mitigation will likely consist of the use of deep foundations or ground improvement techniques.

AIR QUALITY

1. Project construction specifications will include the requirement that commercial electric power form poles on or near the site will be used during construction wherever feasible. This measure would result in a 97 to 99 percent reduction in emissions. Vehicles will not exceed 15 miles per hour when traveling over unpaved areas. This measure would result in a 40 percent reduction in PM10 emissions.

2. Standard dust control measures shall be employed during construction. These standard dust control measures include the following:

- Watering active grading sites a minimum of three times daily
- Apply soil stabilizers to inactive construction sites
- Replace ground cover in disturbed areas as soon as possible

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

**Peninsula Community Planning Board Minutes
November 15, 2012
Meeting Room, Pt. Loma – Hervey Library**

I. Parliamentary Items:

Meeting called to order by Second Vice Chair Rich Possanza at approximately 6:30 p.m.

(Note: MSP = moved, seconded and passed; MSF = moved, seconded and failed)

1. **Approval of Agenda** – Agenda was unanimously approved.
2. **Approval of Minutes** – Minutes for September 20, 2012 were unanimously approved with changes on the seating of Cal Jones to the PCPB.
3. **Secretary's Report** – Nothing to report (N. Allenby absent).
4. **Treasurer's Report** – Nothing to report (N. Graham absent).
5. **Attendance** – Board Members present were: M. Ryan, P. Webb, P. Clark, A. Jones, J. Shumaker, P. Nystrom, J. Ross, R. Possanza, and J. Quinn. Absent: G. Page, B. Coons, P. Clark, P. Nystrom, D. Carnevale
- ~~5-6.~~
- ~~6-7.~~ **Community Attendance** – see sign-in sheet posted on PCPB website.
- ~~7-8.~~ **Chair's Report** – Nothing to report (G. Page absent).

II. Non Agenda Public Comment –

- A. Michael Ninh, City of San Diego Public Works Department advised of three projects anticipated to start in May 2012:

Water Group 927 project will replace ½ mile of cast iron water mains along Voltaire Street and the bridge across Nimitz Blvd., and at the Rosecrans and Sports Arena Intersection.

Sewer Group 727 and 735 will replace 2.75 miles of mains and affect portions of Chatsworth Blvd, Dixon Place, Milan Street, Narragansett Ave, La Cresta Dr, and Wawona Dr. and Orchard, Del Mar, Coronado, Santa Cruz, Redondo, Wildwood, Narragansett, and Catalina Place.

Work will be conducted between 8:30AM to 3PM to avoid peak traffic hours. The City will return before construction in December 2013/January 2014.

- B. Jarvis Ross spoke about the Balboa Park by-pass bridge. Approximately \$400K of city revenues now earmarked for maintenance and safety have been transferred for the Balboa Park Centennial.
- C. A member of the public spoke to the City's Voluntary Accessibility Program which is supposed to include an increase FAR bonus. The local resident indicated it is an incentive program without incentives. Tony Kempton, City DSD, referred the citizen to Raynard Avalos at 619-446-5377.

- III. New/Old Business** – Land Development Code comments-After discussion, motion by P. Webb, seconded by J. Ross, to request extension of form for submitting comments on the land developed code. MSP 5 yeas, 2 nays. Motion by J. Shumaker, seconded by M. Ryan, to approve the "voluntary accessibility program" in Zoning Ordinance Chapter 14, Section 145.4003. MSP 6 yeas, 0 nays, and 2 abstentions (A. Jones and P. Webb - reasons neither member were sufficiently familiar with the specific code section.

IV. Action Items:

1. Approval of Sunset Cliffs Natural Park Letter – Motion by J. Shumaker, A. Jones seconded, to deliver letter by Norm Allenby and Craig Barilotti, as written to Lee McEachern, California Coastal Commission. MSP 8 yeas, 0 nays, and 0 abstentions.
2. Project No. 2853520-Liberty Station Hotels- 2220 Lee Court- Planned Development Permit, Vesting Tentative Map, and Street Vacation (of Halsey) to construct a total of 650 rooms in three different hotels on a 15.74 acre site. Kim Elliot of McMillan companies provided an overview of the project. On motion of A. Jones/seconded by M. Ryan, move approval of the project as designed because:
 1. It is consistent with the Liberty Station Specific Plan.
 2. There will be no additional traffic signals on Harbor Drive beyond those already required by the City.
 3. The applicant was responsive to and incorporated design suggestions made by the Project Review Committee (dealing with elevations, site plan, and landscaping).
MSP- 6 yeas (Jones, Ryan, Shumaker, Webb, Ross, Clark) ; nays-1 (Quinn);
Abstentions-1 (Nystrom- feels the road network does not support the project.)

V. Subcommittees: (Note: NTR= Nothing to report)

- A. Airport Authority- P. Webb- discussed grant opening of Consolidated Shipping Facility.
- B. Environment/Water- J. Shumaker- discussed Sunset Cliffs Natural Park letter. Said we need a SWMP, not a drainage plan for this area.
- C. Form Based/Long Range Planning- J. Shumaker discussed ideas for comments on the City's CIP program: traffic calming on Sunset Blvd, bicycle safety on Nimitz Blvd.; use of Nimitz as a TransPeninsula throughway; pedestrian/bicycle connection to Robb Field. Comments on CIP program were due to the City by 11/7/12, so these can be brought forward at a later date.
- D. Liberty Station -Nothing to Report (D. Carnevale absent). P. Clark discussed 11/9/12 P3 meeting: Tin Fish Restaurant has closed and is being replaced with another restaurant; Point Loma Sports Club has opened in the former Lava Facility. PLNU Conference Hall in the Hotel District is now in full operation. The facility is available for public lease. No large events planned by the Rock Church in the near future. The Church will hold Christmas Eve services at 6 and 8 PM; no services on Christmas Day. The Church looking for a site to open in El Cajon in Spring 2013 and looking for site in South Bay.
- E. Parks- M. Ryan- no input on the bike park on Voltaire and Catalina. City looking to do gopher abatement at Dusty Roads and Robb Fields.
- F. Project Review - Allen Jones: Retail/commercial development at Catalina and Rosecrans will be brought forward in the near future.
- G. Traffic and Transportation - Peter Nystrom: NTR.
- H. North Bay community Planning Group-J. Ross (JARVIS NEED YOUR INPUT)

V. Government Reports / Public Communications:

Mike Patton-Council District II: Land Use/Housing Committee will be considering ban on oversized vehicles west of I-5 at their 11/28/12 meeting. Council hearing in early 2013. Signage would be placed at entrance to the Peninsula. Daily passes for homeowners/ guests. Looking at speed calming on Rosecrans. NTC continues to make progress on building rehab.

VI. Adjournment: A motion to adjourn was seconded and passed unanimously around 8:45 p.m.

Next PCPB monthly meeting 3701 Voltaire St., December 20, 2012 at 6:30 p.m., Pt. Loma -
Hervey Library.

Airport Noise Compliance 619-400-2799
Neighborhood Code Compliance 619-236-5500

Prepared by: Julia Quinn
December 7, 2012

Ownership Disclosure Statement



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

THE CITY OF SAN DIEGO

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other Street vacation

Project Title **Project No. For City Use Only**
 Liberty Station East Hotel 285352

Project Address:
 2220 Lee Court

Part I - To be completed when property is held by Individual(s)

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 owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names 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 individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Project Title:

Project No. (For City Use Only)

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? _____ Corporate Identification No. _____
 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):
McMillin-NTC, LLC (see attached sheet)

Owner Tenant/Lessee

Street Address:
2750 Womble Road

City/State/Zip:
San Diego, CA 92106

Phone No: 619-794-1245 Fax No: 619-336-3599

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:

Members of McMillin-NTC, LLC:

McMillin Companies, LLC
2750 Womble Rd., #200
San Diego, CA 92106
Attn: Robert Anselmo

Merced Partners Limited Partnership
601 Carlson Parkway, Suite 200
Minnetonka, MN 55305
Attn: Mike Frey

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 officers of McMillin Management Services, L.P.
Manager for McMillin-NTC, LLC

Scott McMillin	Chairman / CFO
Mark McMillin	CEO
Guy Asaro	President
Ceci Doty	Executive V P
Gordon Mackenzie	Executive V P
Mark Doyle	Executive V P
Robert Anselmo	Executive V P / Secretary
Brian Milich	Senior VP
Dave Warren	Senior V P
Don Mitchell	Senior V P
Greg Schulte	S V P / CAO / Treasurer
Jon Bell	Senior V P
Joe Haeussler	Senior V P
Kim Elliott	Senior V P
Lance Leininger	Senior V P
Rey Ross	Senior V P
Robin Lewis	Senior V P
Sandy Perlatti	Senior V P
Todd Galarneau	Senior V P
Carrie Williams	Vice President
Dennis Pulido	Vice President
Ed Berlanga	Vice President
Greg Araujo	Vice President
Jamie MacKenzie	Vice President
Jeff Chaddick	Vice President
Jerry Hamilton	Vice President
Les Leininger	Vice President
Linda Gutierrez	Vice President
Patricia Walker	Vice President
Patti Basile	Vice President / Asst Sec
Steve Moore	Vice President
Steve Musgrove	Vice President
Rhonda Dow	Assistant Secretary

Board of Directors:

Mark McMillin, Scott McMillin, Laurie Ray, Mark Doyle