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DEVELOPMENT SERVICES
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501

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CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24009773

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. PMT-3318619
MIDWAY RISING PROJECT NO. 1106734 - MMRP
CITY COUNCIL

This Site Development Permit No. PMT-3318619 is granted by the City Council of the City of San Diego to Midway Rising, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505. The 49.23-acre site is located at 3220, 3240, 3250, and 3500 Sports Arena Boulevard in the CC-3-6 zone(s) of the Midway-Pacific Highway Community Plan area. The project site is legally described as:

PARCEL 1: THOSE PORTIONS OF PUEBLO LOTS 241, 242, 259, 276, 311, 312, 313, 314, 337 AND 338 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE, A COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, AND KNOWN AS MISCELLANEOUS MAP NO. 36, TOGETHER WITH LOT "A" AND A PORTION OF LOT "B" OF PUEBLO LOT 339, ACCORDING TO PARTITION MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN AN ACTION ENTITLED "STEELE VS. STEELE", SUPERIOR COURT, CASE NO. 5620, TOGETHER WITH MAP OF CASS AND MCELWEE SUBDIVISION, ACCORDING TO MAP THEREOF NO. 1581, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY;

PARCEL 2: ALL THAT PORTION OF PUEBLO LOTS 242, 243, 259 AND 311 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF MADE BY JAMES PASCOE IN 1870; A COPY OF WHICH MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1921;

PARCEL 3: THAT PORTION OF PUEBLO LOT 259 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE, A COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AND KNOWN AS MISCELLANEOUS MAP NO. 36; PARCEL 4: EXCEPTING THEREFROM A PORTION OF SAID LAND, ALL URANIUM, THORIUM, AND ALL OTHER MATERIALS DETERMINED PURSUANT TO SECTION 5(B) (1) OF THE ATOMIC ENERGY ACT OF 1946 (60 STAT. 761), TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIAL, CONTAINED IN WHATEVER CONCENTRATION IN DEPOSITS IN THE LANDS COVERED BY THIS INSTRUMENT, TOGETHER WITH THE RIGHT OF THE UNITED STATES THROUGH ITS AUTHORIZED AGENTS OR REPRESENTATIVES AT ANY TIME TO ENTER UPON THE LAND AND PROSPECT FOR, MINE AND REMOVE THE SAME, AS RESERVED FOR THE USE OF THE UNITED STATES, IN A DEED RECORDED JANUARY 31, 1955 IN BOOK 5514, PAGE 182 OF OFFICIAL RECORDS.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing sports and entertainment center and associated structures, and develop the site with a new entertainment center, multi-unit residential, commercial, parks, and parking facilities, subject to the City's land use regulations] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department. The project shall include:

- a. Approximately 4,254 housing units (2000 affordable); a multi-purpose Entertainment Center with 16,000 seats; 130,000 square feet of commercial building/use;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. 8.2 acres of public parks and open space; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by [ENTER DATE 3 years, AFTER THE APPEAL TIME].

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.

2. 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.

3. 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.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. 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.).
6. 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.
7. 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.
8. 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.

9. 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.

10. 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:

11. 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.

12. The mitigation measures specified in the MMRP and outlined in Subsequent Environmental Impact Report No. 1106734 (SCH No. 2023120451) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Subsequent Environmental Impact Report No. 1106734 (SCH No. 2023120451) 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
- Transportation and Circulation
- Historical and Tribal Cultural Resources
- Noise
- Health and Safety
- Air Quality

AFFORDABLE HOUSING REQUIREMENTS:

14. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

CITY PLANNING/HERITAGE PRESERVATION REQUIREMENTS:

15. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the City of San Diego City Planning Department's Heritage Preservation staff shall review and accept a

salvage plan prepared by a qualified historic preservation professional, consistent with mitigation measure HIST 5.3-1a of the MMRP. The salvage plan, to be implemented during the demolition of the San Diego International Sports Arena, shall catalog and identify elements proposed for removal from the existing San Diego International Sports Arena and shall include historic period architectural elements as well as memorabilia, including photographs, posters, and plaques of past athletic and entertainment events, teams, and entertainers, for display in publicly accessible areas throughout the new entertainment center.

16. As a condition of the closure of the demolition permit for the San Diego International Sports Arena, the Owner/Permittee shall document that the various displays presenting the salvaged items from the San Diego Sports Arena have been installed at the entertainment center, satisfactory to the City of San Diego City Planning Department's Heritage Preservation staff and consistent with mitigation measure HIST 5.3-1b of the MMRP

17. Prior to the issuance of a demolition permit for the San Diego International Sports Arena, the City of San Diego City Planning Department's Heritage Preservation staff shall review and accept plans for an interpretive display to be installed in The Green area (Lot I, as shown on the approved Tentative Map) of the site near the old footprint of the San Diego International Sports Arena to be prepared by a qualified team including a historian and a graphic designer consistent with mitigation measure HIST 5.3-2 of the MMRP. The display shall explain the history of the site and describe the San Diego International Sports Arena's New Formalist architecture

18. Prior to the issuance of the last certificate of occupancy for any building associated with the Lots 10, 11, 12, 13, and 14 or Lot I as shown on the approved Tentative Map, the Owner/Permittee shall document that the historical interpretive display has been installed in The Green area, satisfactory to the City of San Diego City Planning Department's Heritage Preservation staff consistent with mitigation measure HIST 5.3-2 of the MMRP.

19. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the City of San Diego City Planning Department's Heritage Preservation staff shall review and accept plans for an interpretive display which shall be designed by a qualified team, including a historian and a graphic designer, that focuses on the life of Robert Breitbard as it relates to his work in the sports field consistent with mitigation measure HIST 5.3-3 of the MMRP.

20. Prior to the issuance of a demolition permit for the San Diego International Sports Arena, the Owner/Permittee shall document that the Breitbard interpretive display has been installed in a location accessible to the public at the new entertainment center. The display shall be designed consistent with mitigation measure HIST 5.3-3 of the MMRP.

21. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the City of San Diego City Planning Department's Heritage Preservation staff shall review and accept the Historic American Buildings Survey documentation package for the San Diego Sports International Arena to be documented to Historic American Buildings Survey Level 2 standards, in accordance with the Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data and consistent with mitigation measure HIST 5.3-4 of the MMRP. The Historic American Buildings Survey documentation package shall be prepared by a qualified team, including an architectural historian with

prior experience preparing Historic American Buildings Survey photographs. The Historic American Buildings Survey documentation package shall include measured drawings, photographic documentation and a written historical narrative per the MMRP. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the Owner/Permittee shall provide verification to the City of San Diego City Planning Department's Historic Preservation staff that two copies of the Historic American Buildings Survey documentation package were produced and submitted to the National Parks Service/Library of Congress and an archive or history collection accessible to the general public such as the San Diego history Center.

22.

AIRPORT REQUIREMENTS:

1. 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:

23. Prior to the issuance of any construction permit, the Owner/Permittee shall dedicate additional Right of Way along the property frontage on Kurtz Street per the Approved Exhibit A, satisfactory to the City Engineer.

24. Prior to the issuance of any construction permit, the Owner/Permittee shall dedicate additional Right of Way along the property frontage on Sports Arena Blvd per the Approved Exhibit A, satisfactory to the City Engineer.

25. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the replacement of existing curb and gutter to current City Standards, adjacent to the site on Kurtz Street, satisfactory to the City Engineer.

26. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the replacement of existing curb and gutter to current City Standards, adjacent to the site on Sports Arena Blvd, satisfactory to the City Engineer.

27. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the replacement of existing sidewalk with non-contiguous sidewalk to current City Standards, adjacent to the site on Kurtz Street, satisfactory to the City Engineer.

28. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the replacement of existing sidewalk with non-contiguous sidewalk to current City Standards, adjacent to the site on Sports Arena Blvd, satisfactory to the City Engineer.

29. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of a new public street, Kemper Street, per the Approved Exhibit A, satisfactory to the City Engineer.

30. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of a new public street, Frontier Drive, per the Approved Exhibit A, satisfactory to the City Engineer.

31. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the replacement of existing non-standard curb ramps with City Standard directional curb ramps, at all intersections adjacent to the site, satisfactory to the City Engineer. Where City Standard curb ramps cannot be constructed due to existing constraints, the Owner/Permittee shall submit Deviation From Standards forms to the City Engineer for review.

32. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of two new 30-foot-wide driveways per current City Standards, adjacent to the site on Sports Arena Blvd, satisfactory to the City Engineer.

33. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of three new 26-foot-wide driveways per current City Standards, adjacent to the site on Kurtz Street, satisfactory to the City Engineer.

34. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of a new 26-foot-wide driveway per current City Standards, adjacent to the site on Sports Arena Blvd, satisfactory to the City Engineer.

35. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of new bus stop slabs per current City Standards, adjacent to the site on Sports Arena Blvd, satisfactory to the City Engineer.

36. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the private storm drains, landscape and irrigation within the City's right-of-way and easements, satisfactory to the City Engineer.

37. The State Construction General Permit (CGP), Order No. 2022-0057-DWQ, NPDES No. CAS000002, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region. A Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

38. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San

Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2022 -0057-DWQ and a copy shall be submitted to the City.

39. The drainage system proposed for this development is private and subject to approval by the City Engineer.

40. Prior to the issuance of a grading permit, a Drainage Study, which includes a storm drain analysis, shall be provided to the satisfaction of the City Engineer. The Drainage Study shall include hydraulic analysis to identify the proposed project's storm drain system, including site flooding limits. The starting water surface elevation for the analysis shall be located immediately downstream of the project boundary and based on the best available water surface elevation data considering the downstream control at Pump Station H, as provided by the City Stormwater Department's Operation and Maintenance Division.

41. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

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

43. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install new streetlights adjacent to the site, per the Approved Exhibit A, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

44. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

45. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape

Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)5.

46. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or “topping” of trees is not permitted.

47. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

48. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. 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 authorized by the appropriate City decision maker in accordance with the SDMC.

49. 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.

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

51. 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.

TRANSPORTATION REQUIREMENTS

52. All automobile, motorcycle, and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisles 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 appropriate City decision maker in accordance with the SDMC.

53. Prior to issuance of the first building permit, the Permittee shall assure by permit and bond narrow the existing curb line of Sports Arena Boulevard between Frontier Drive and the project's easterly property line by 8-ft and dedicate 12-ft for that fronting portion of westbound Sports Arena Boulevard between Frontier Drive and the project's easterly property line to provide a 32-foot wide parkway and construct a 30-foot parkway (0 to 4-foot landscape, 12-foot multi-use path, 9-foot landscape, 6-foot cycle track, 3-foot buffer) adjacent to a 3-foot private landscaping within the project site to provide a total 35-foot wide Promenade, 12-ft bus lane, 10-ft travel lane, 11-ft travel lane, 5 to 15-foot raised median, 10-foot travel lane, 10-foot travel lane, 11-foot bus lane, 3-foot buffer, 6-foot bike lane, and a 9-ft wide existing parkway (6-foot sidewalk, 3-foot buffer) on the south side of the street within a 127-ft right-of-way, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

54. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure by permit and bond improvements along Kurtz Street in the following segments:

- a. Hancock Street to Frontier Drive:
Narrow the existing southern curb line by 5-ft and dedicate 2.2 to 14.2-ft for that fronting portion of southeast bound Kurtz Street and construct a 27-foot parkway (9 to 13-foot landscape, 14-foot multi-use path, 0 to 4-foot landscape) adjacent to 3-foot private landscaping within the project site, 8-ft parking lane adjacent to the northern curb, two (two-way) 13-ft travel lanes, and a 4.65 to 13.6-ft wide existing parkway (including a 4.5 to 6.5-foot existing sidewalk) on the north side of the street, satisfactory to the City Engineer.
- b. Westerly Property Line of Privately-Owned Parcel (APN 441-330-0100) to Easterly Property Line of Privately Owned Parcel (APN 441-330-1100):
Restripe to provide two (two-way) 13-foot travel lanes, satisfactory to the City Engineer.
- c. Easterly Property Line of Privately Owned Parcels to Sherman Street
Narrow the existing southern curb line by 5-ft and dedicate 2.2 to 14.2-ft for that fronting portion of southeast bound Kurtz Street and construct a 27-foot parkway (9 to 13-foot landscape, 14-foot multi-use path, 0 to 4-foot landscape) adjacent to 3-foot private landscaping within the project site, 8-ft parking lane adjacent to the northern curb, two (two-way) 13-ft travel lanes, and a 4.65 to 13.6-ft wide existing parkway (including a 4.5 to 6.5-foot existing sidewalk) on the north side of the street, satisfactory to the City Engineer.
- d. Sherman Street to Easterly Project Site Property Line
Narrow the existing southern curb line by 5-ft and dedicate 2.2 to 14.2-ft for that fronting portion of southeast bound Kurtz Street and construct of a 27-foot parkway (9 to 13-foot landscape, 14-foot multi-use path, 0 to 4-foot landscape) adjacent to 3-foot private landscaping within the project site, two one-way (southeast bound) 13-ft travel lanes, 8-ft parking lane adjacent to the northern curb, and a 4.65 to 13.6-ft wide existing parkway on the north side of the street within a 56.6 to 74.6-ft right-of-way, satisfactory to the City Engineer.
- e. Easterly Project Site Property Line to Camino Del Rio West
Narrow the existing southern curb line by 13-ft along southeast bound Kurtz Street between the easterly property line and Camino Del Rio West and construct a 19-foot parkway (5-foot landscape, 14-foot multi-use path), two one-way 13-ft travel lanes,

and a 12-ft wide existing parkway (6-foot sidewalk, 6-foot buffer) on the north side of the street within a 57-ft right-of-way, satisfactory to the City Engineer.

f. Camino Del Rio West to Rosecrans Street

Narrow the existing southern curb line by 13-ft along southeast bound Kurtz Street between Camino Del Rio West and Rosecrans Street and assure by permit and bond the construction of a 20-foot parkway (6-foot landscape, 14-foot multi-use path) on the south side of the street, two 13-ft travel lanes, and an existing 6-foot parkway (6-foot sidewalk) on the north side of the street within a 52-ft right-of-way, satisfactory to the City Engineer.

All improvements shall be completed and operational prior to first occupancy in Phase 1.

55. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure by permit and bond the restriping of the southbound approach of Kurtz Street at the intersection of Kurtz Street/Rosecrans Street to provide 1 exclusive left-turn lane and 1 through/right-turn lane, provide the necessary traffic signal modification, and stripe continental crosswalks across all approaches, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1.

56. Prior to the issuance of the first building permit in Phase 1, the Permittee shall restripe the southbound approach of Kurtz Street at the intersection of Kurtz Street/Camino Del Rio West to provide 1 exclusive left-turn lane and 1 shared left-turn/through/right-turn lane, provide the necessary traffic signal modification, and stripe continental crosswalks across all approaches, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1.

57. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure by permit and bond the construction of Frontier Drive between Sports Arena Boulevard and the southerly property line of the privately-owned parcels as a 2-lane collector between Sports Arena Boulevard and the southerly property line of the privately-owned parcel with a 44-foot curb-to-curb pavement width (two 10-foot travel lanes, 10-foot center turn lane, 7-foot parking lanes on each side), a 14-foot parkway (7-foot non-contiguous sidewalk, 7-foot landscape) on the west side of the street adjacent to 2-feet private landscaping within the project site, and a 20-foot parkway (8-foot landscape, 12-foot cycle track) adjacent to a 10-foot café zone and 4-feet private landscaping on the east side of the street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

58. Prior to issuance of the first building permit in Phase 1, the Permittee for Frontier Drive between the southern property line of the privately-owned parcel and Kurtz Street and shall assure by permit and bond the construction of Frontier Drive as a 2-lane collector between the southerly property line of the privately owned parcel and Kurtz Street with a 44-foot curb-to-curb pavement width (2 travel lanes, center turn lane, parking), a 14-foot parkway (7-foot non-contiguous sidewalk, 7-foot landscape) adjacent to 0 to 2 feet private landscaping and within the project site on the west side of the street and a 7-foot parkway (7-foot sidewalk) on the east side of the street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

59. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive A-1 within Lot B (per Exhibit "A"), with a 40-foot curb-to-curb pavement width (7-foot parking, 13-ft travel lane, 13-ft travel lane, 7-foot parking) and a 5-foot sidewalk on each side adjacent to 5 to 7-foot landscaping within the site, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

60. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive A-2 within Lot D (per Exhibit "A"), with a 40-foot curb-to-curb pavement width (7-foot parking, 13-ft travel lane, 13-ft travel lane, 7-foot parking), a 5.9 to 17.5-foot parkway (0.9 to 12.5-foot landscaping, 5-foot sidewalk) on the south side of the street, and a 5.8 to 17.5-foot parkway (0.8 to 12.5 foot parkway, 5-foot sidewalk), satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

61. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive B-1 within Lot F (per Exhibit "A"), with a 40-foot curb-to-curb pavement width (7-foot parking, 13-ft travel lane, 13-ft travel lane, 7-foot parking), 5-foot sidewalk on each side of the street adjacent to 5 to 7-foot landscaping within the project site, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

62. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive B-2 within Lot H (per Exhibit "A"), with a 40-foot curb-to-curb pavement width (7-foot parking, 13-ft travel lane, 13-ft travel lane, 7-foot parking), 5-foot sidewalk on each side of the street adjacent to 5 to 7-foot landscaping within the project site, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

63. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive B (Fire Lane) within Lot G (per Exhibit "A"), with a 26-foot curb-to-curb pavement width (two 13-foot fire lanes), and a 14-foot parkway (7-foot parkway, 5-foot non-contiguous sidewalk) on each side of the street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

64. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive C-1 within Lot J (per Exhibit "A"), with a 40-foot curb-to-curb pavement width (7-foot parking, 13-ft travel lane, 13-ft travel lane, 7-foot parking), 5-foot sidewalk on each side of the street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

65. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive C-2 within Lot L (per Exhibit "A"), with a 40-foot curb-to-curb pavement width (7-foot parking, 13-ft travel lane, 13-ft travel lane, 7-foot parking), 5-foot sidewalk on each side of the street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

66. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive C (Fire Lane) within Lot K (per Exhibit "A"), with a 26-foot curb-to-curb pavement width (two 13-foot fire lanes), and a 14-foot parkway (7-foot parkway, 5-foot non-contiguous sidewalk) on each side of the street adjacent to 5 to 7-foot landscaping within the project site, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

67. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive D within Lot N (per Exhibit "A"), with a 40-foot curb-to-curb pavement width (7-foot parking, 13-ft travel lane, 13-ft travel lane, 7-foot parking), 13-foot parkway and 5-foot sidewalk adjacent to 5 to 7-foot landscaping within the project site on each side of the street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

68. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure the construction of Private Drive E south of Kurtz Street in alignment with the extension of Sherman Street (per Exhibit "A"), with a 26-foot curb-to-curb pavement width (two 13-ft travel lanes), within Lot R, a 26-foot fire access lane, and 8.9-foot parkway on the east side and 21.1-foot parkway adjacent to the westerly property line with 2-foot landscaping within the project site, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

69. Prior to issuance of the first building permit in Phase 1, the Permittee shall relocate existing local bus stop (ID 13344) to the west side of the Sports Arena Boulevard / East Drive intersection in the approximate location shown on Exhibit "A" and provide a sign, bench, schedule display, route and system map, trash receptacle, concrete bus pad, and shelter, satisfactory to the City Engineer and in coordination with Metropolitan Transit System (MTS). All improvements shall be completed and operational prior to first occupancy in Phase 1.

70. Prior to issuance of the first building permit in Phase 1, the Permittee shall provide documentation to the satisfaction of the City Engineer that the project operates a shuttle service to and from the site for the following scenarios:

- For events with greater than 7,500 spectators, an event shuttle service would run between the Old Town Transit Center and the entertainment land use. The event shuttle would run along Rosecrans Street, Sports Arena Boulevard, Frontier Drive, and Kurtz Street.
- For events with greater than 10,000 spectators, two event shuttle services would run between the Old Town Transit Center and between the off-site business park lot just west of the Project site and the entertainment land use. The event shuttle would run along Sports Arena Boulevard, Frontier Drive, Kurtz Street, and Hancock Street.
- For events with greater than 12,000 spectators, three event shuttle services would run between the Old Town Transit Center, the off-site business park lot just west of the Project site, and off-site parking at SeaWorld and the entertainment land use. The event shuttle would run along West Mission Bay Drive, Sports Arena Boulevard, Frontier Drive, Kurtz Street and Hancock Street.

All improvements shall be completed and operational prior to first occupancy in Phase 1.

71. Prior to issuance of the first building permit in Phase 1, the Permittee shall restripe the intersection of West Point Loma Boulevard/Sports Arena Boulevard/Midway Drive and assure by permit and bond the following improvements:

- Remove the channelized portions of northbound and southbound right-turn movements;
- Reduce of the roadway width in the northeast corner to convert the westbound channelized right turn lane to an exclusive right turn lane;
- Restripe the southbound approach to include 2 left turn lanes, 1 through lane, and 1 shared through/right lane;
- Restripe the northbound to include 2 left turn lanes, 1 through lane, and 1 shared through/right lane;
- Widen the eastbound approach by 6 feet to construct a left turn lane, 1 shared/through lane, 1 through lane, and 1 right turn lane.

Signal modifications will be required to provide protected left turn phasing instead of split phasing for the northbound and southbound movements, an overlap phase for the westbound right turn movement, and signal optimization. All improvements shall be satisfactory to the City Engineer and shall be completed and operational prior to first occupancy in Phase 1.

72. Prior to issuance of the first building permit in Phase 1, the Permittee shall provide documentation that the project will seek approval from City Engineer to implement the following temporary traffic control and modify intersection geometry at the intersection of Sherman Street /Hancock Street during the PM Pre-Event peak:

- Implement traffic control flagger (or appropriate traffic control setup) to allow two westbound lanes to turn left from Hancock Street onto southbound Sherman Street;
- Convert Sherman Street (temporarily) to a one-way two-lane southbound street;
- Vehicles wishing to travel northbound on Sherman Street from Kurtz Street will be redirected to Greenwood Street; and
- At Sherman Street / Kurtz Street, two southbound lanes would be directed to turn right or go straight into the H1 driveway for Entertainment Center parking.

All temporary traffic control arrangements for pre-event conditions shall be satisfactory to the City and shall be completed and operational prior to first occupancy in Phase 1.

73. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure by permit and bond the following improvements at the intersection of Sports Arena Boulevard/Rosecrans Street/Camino Del Rio West:

- Convert channelized right-turn lane from Camino Del Rio West to Sports Arena Boulevard to an exclusive right-turn lane;
- Demolish northbound "channelized" right-turn from Sports Arena Boulevard to Rosecrans Street and ancillary intersection and allow through movement from Sports Arena Boulevard;

- Modify the eastbound approach on Sports Arena Boulevard to include 1 left-turn lane, 1 shared left/through lane, 1 through lane to Sports Arena Boulevard, and 1 right-turn lane to Rosecrans Street; and
- Provide the necessary traffic signal modification.

All improvements shall be satisfactory to the City Engineer and shall be completed and operational prior to first occupancy in Phase 1.

74. Prior to issuance of the first building permit for the retail land use, the Permittee shall document to the satisfaction of the City Engineer that a daily retail shuttle shall be implemented between Frontier Drive and the Old Town Transit Center for the first 10 years of the Project Opening Phase 1, which is anticipated to occur in 2030, satisfactory to the City Engineer. The shuttle shall operate between 12:00 p.m. and 10:00 p.m. using one vehicle at 20- or 30-minute headways. This shuttle, in combination with the 10-minute combined bus headways of San Diego Metropolitan Transit System Routes 8 and 9 for the existing local bus routes, would incentivize visitors to utilize transit to access the Project site. The 10-minute combined bus headways of Routes 8 and 9 are a result of the alternating arrival times of the two bus routes at the Old Town Transit Center.

75. Prior to issuance of the first building permit for the entertainment center, the Permittee shall implement an employee transit subsidy for the entertainment center employees to offset the net increase in vehicle miles traveled for the Project, satisfactory to the City Engineer. The employee transit subsidy shall be offered to all employees at 50 percent off the San Diego Metropolitan Transit System's current monthly pass rate for the first 10 years of the Project Opening Phase 1, which is anticipated to occur in 2030.

76. Prior to issuance of the first building permit in Phase 1, the Permittee shall assure by permit and bond the construction of Rosecrans Street as a 4-lane collector with center left-turn lane (2 General Purpose Lanes + 2 Flexible Lanes) between Kurtz Street and Pacific Highway with a 66-foot curb-to-curb pavement width (11-foot parking, 11-foot Flexible Lane, 11-foot travel lane, 10-foot center left-turn lane, 11-foot travel lane, 12-foot bus lane), a 9-foot wide parkway (9-foot wide sidewalk) on the west side of the street, and a 25-foot parkway (3 to 7-foot buffer, 10-foot bikeway, 4-foot landscape, 8-foot sidewalk) on the east side of the street within 100 feet of right-of-way, and provide the necessary traffic signal modifications at the intersections of Rosecrans Street/Kurtz Street and Rosecrans Street/Taylor Street/Pacific Highway, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

77. Prior to issuance of the first building permit in Phase 1, the Permittee shall construct the southbound approach of the intersection of Kemper Street/Sports Arena Boulevard to provide 1 through lane and 1 exclusive right-turn lane and necessary traffic signal modification, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1.

78. Prior to issuance of the first building permit in Phase 2, the Permittee shall assure by permit and bond to narrow the existing curb along Sports Arena Boulevard between the project's westerly driveway and Frontier Drive by 8-ft for that fronting portion of westbound Sports Arena

Boulevard between the project's westerly property line and Frontier Drive to provide a 32-foot wide parkway and construct the construct a 32-foot parkway (4-foot landscape, 12-foot multi-use path, 9-foot landscape, 6-foot bike lane, 3-foot buffer) and 3-foot private landscaping within the project site to provide a total 35-foot wide Promenade, 12 ft bus lane, 10-ft travel lane, 11-ft travel lane, 5 to 15-foot raised median, 10-foot travel lane, 10-foot travel lane, 11-foot bus lane, 3-foot buffer, 6-foot cycle track, and a 9-ft wide existing parkway (6-foot sidewalk, 3-foot buffer) on the south side of the street within a 127-ft right-of-way, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

79. Prior to issuance of the first building permit in Phase 2, the Permittee shall assure by permit and bond the construction of Kemper Street between Sports Arena Boulevard and Kurtz Street as a 2-lane collector between Sports Arena Boulevard and Kurtz Street with a 44-foot curb-to-curb pavement width (2 10-foot travel lanes, 10-foot center turn lane, and 7-foot parking lanes on each side), a 23-foot parkway (7-foot sidewalk, 7-foot landscape, 6-foot cycle track, 3-foot buffer) on the west side of the street and a 26-foot parkway (3-foot buffer, 6-foot wide cycle track, 6.5 to 11-foot landscape, 6-foot sidewalk) adjacent to 4-foot private landscape to provide a 30-foot wide Promenade within the project site on the east side of the street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy on any of the adjacent lots.

80. Prior to issuance of the first building permit in Phase 2, the Permittee shall assure by permit and bond the construction of a roundabout at the intersection of Hancock Street and Kurtz Street in the location shown on Exhibit "A", satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

81. Prior to issuance of the first building permit in Phase 2, the Permittee shall construct a new local bus stop on the west side of the Sports Arena Boulevard / Frontier Drive intersection in the approximate location shown on Exhibit "A" and provide a sign, bench, schedule display, route and system map, trash receptacle, concrete bus pad, and shelter, satisfactory to the City Engineer and in coordination with Metropolitan Transit System (MTS). All improvements shall be completed and operational prior to first occupancy in Phase 2.

82. Prior to issuance of the first building permit in Phase 2, the Permittee shall relocate existing local bus stop (ID 13345) to the west side of the Sports Arena Boulevard / Frontier Drive intersection in the approximate location shown on Exhibit "A", designate this stop as a RAPID service, and provide a sign, bench, schedule display, trash receptacle, concrete bus pad, rapid shelter, and real-time digital display, satisfactory to the City Engineer and in coordination with Metropolitan Transit System (MTS). All improvements shall be completed and operational prior to first occupancy in Phase 2.

83. Prior to issuance of the first building permit in Phase 2, the Permittee shall stripe exclusive bus / right-turn only lanes on:

- Sports Arena Boulevard between W. Point Loma Boulevard and Kemper Street (westbound direction only)
- Sports Arena Boulevard between Kemper Street and Camino Del Rio West (both directions)

- Rosecrans Street between Sports Arena Boulevard and Kemper Street (both directions)

These improvements shall be satisfactory to the City Engineer and in coordination with Metropolitan Transit Services (MTS). All improvements shall be completed and operational prior to first occupancy in Phase 2.

84. Prior to issuance of the first building permit in Phase 2, the Permittee shall provide the following improvements at the intersection of Sports Arena Boulevard/Frontier Drive/West Drive:

- Increase the overall signal cycle length to 105 seconds during the AM peak and 150 seconds during the PM and Pre-Event PM peaks;
- Manage signal timing operations during the PM peak to manually provide green time to the heaviest movement on event days.

These improvements shall be satisfactory to the City Engineer and shall be completed and operational prior to first occupancy in Phase 2.

85. Prior to issuance of the first building permit in Phase 2, the Permittee shall provide signal timing optimization at the intersection of Barnett Avenue/Midway Drive to decrease the overall signal cycle length to 110 seconds during the AM peak, 150 seconds during the PM peak, 100 seconds during the Pre-Event PM peaks, and 90 seconds during the weekend peak, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

86. Prior to issuance of the first building permit in Phase 2, the Permittee shall restripe Hancock Street between Sports Arena Boulevard and Channel Way to a 4-Lane Collector through the conversion of the existing angled parking to parallel parking and provide the necessary traffic signal modification at the intersection of Hancock Street/Sports Arena Boulevard, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

87. Prior to issuance of the first building permit in Phase 2, the Permittee shall restripe Hancock Street between Channel Way and Kurtz Street to a 4-Lane Collector through the conversion of the existing angled parking to parallel parking, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

88. The Permittee shall provide and maintain onsite the following Vehicle Miles Traveled (VMT) Reduction Measures for the commercial land use in the locations shown in Exhibit "A":

- a. Install pedestrian scale lighting along the project frontage roadways of Sports Arena Boulevard and Kurtz Street;
- b. Install pop-outs at adjacent intersections or curb extensions at adjacent mid-block crosswalks, which shall comply with the Street Design Manual Traffic Calming Chapter in coordination with Fire-Rescue Department staff and/or San Diego Metropolitan Transit System (MTS), which may be required at the following three locations:
 - Sports Arena Boulevard / Frontier Drive (half intersection)
 - Sports Arena Boulevard / Kemper Street (half intersection)
 - Frontier Drive mid-block crossing (South) (full intersection)

- c. Construct a multi-use path along Kurtz Street and Rosecrans Street (approximately 2,200 linear feet);
- d. Provide an on-site bicycle repair station located near the Class I path along Sherman Street alignment through the site;
- e. Construct a Class I multi-use path the north side of Sports Arena Boulevard, east side of Frontier Drive, south side of Kurtz Street, and east side of Rosecrans Street that would connect to Class II bike lanes on Pacific Highway and Sports Arena Boulevard (approximately 3,960 linear feet).
- f. Provide enhanced amenities at the proposed new bus stop on the west side of the Sports Arena Boulevard/Kemper Street intersection, including a shelter, relocate existing bus stop (ID 13345) and upgrade to a RAPID bus stop per the MTS Designing for Transit Manual (February 2018) including real-time digital display for rapid bus stop and rapid shelter;
- g. Provide a system map for local bus stop (ID 13344) on Sports Arena Boulevard; and
- h. Construct a raised crossing/intersection on Frontier Drive at a location within the roadway approximately between Lot I and Lot 22.

These improvements shall be completed and operational when the first of each type of land use is constructed.

89. The Permittee shall provide and maintain onsite the following Vehicle Miles Traveled (VMT) Reduction Measures for the entertainment land use in the locations shown in Exhibit "A":

- a. Install pop-outs at adjacent intersections or curb extensions at adjacent mid-block crosswalks, which shall comply with the Street Design Manual Traffic Calming Chapter in coordination with Fire-Rescue Department staff and/or San Diego Metropolitan Transit System (MTS), which may be required at the following two locations:
 - Kemper Street mid-block crossing (North) (full intersection)
 - Kemper Street mid-block crossing (South) (full intersection)
- b. Provide an on-site bicycle repair station located near Blocks D1 and D2; and
- c. Provide a system map for local bus stop (new stop) on Sports Arena Boulevard on the west side of Kemper Street.

These improvements shall be completed and operational when the entertainment land use is constructed.

90. Prior to issuance of the first building permit in Phase 1, the Permittee will assure by permit and bond to provide the following improvements, satisfactory to the City Engineer:

- a. Modify the traffic signal to include retroreflective traffic signal head backplates at the approaches of the following intersections:
 - Midway Drive / East Drive
 - Rosecrans Street / Midway Drive
 - Rosecrans Street / Lytton Street
 - Pacific Highway / Rosecrans Street/Taylor Street
 - Midway Drive / Barnett Avenue
 - Friars Road / Sea World Drive

- b. Modify the traffic signal to include Lead Pedestrian Interval (LPI) phase on all approaches at the following intersections:
 - Midway Drive/East Drive
 - Rosecrans Street/Kurtz Street

Additionally, the Permittee shall implement a Public Safety Messaging Campaign regarding multi-modal safety directed to residents, entertainment center patrons, employees, and visitors to be implemented via emails and information available at on-site kiosks. All improvements shall be completed and operational prior to first occupancy of Phase 1 of the project.

PARKS AND RECREATION DEPARTMENT REQUIREMENTS:

91. The Owner/Permittee shall provide 8.12 acres of recreational facilities satisfying population-based park requirements, as labeled as Lots A, C, E, G, I, K, M, O, P, and R of the approved Exhibit "A" to the satisfaction of the Parks and Recreation Director or designee.

92. Prior to the final inspection of the first dwelling units in the development, a performance bond and payment bond shall be provided for the design and construction of the recreational facilities satisfying population-based park requirements. Prior to requesting final inspections for any of the last 50% of the total dwelling units of the development, the recreational facilities satisfying population-based park requirements shall be constructed and open to the public.

93. Prior to final inspection of the first dwelling unit in the development, Owner/Permittee shall prepare and obtain approval to utilize the recreational facilities satisfying population-based park requirements for other than park and recreational purposes. Such purposes may include, but are not limited to, the following improvements that do not serve the recreational facilities meeting population-based park requirements:- Fire lanes- Easements- Utilities- Storm Water BMPs- Private Driveways - Signage

94. Prior to final inspection of the first dwelling unit in the development, the Owner/Permittee shall prepare and obtain Parks and Recreation Department Director or designee approval of General Development Plans for 8.12 acres of recreational facilities satisfying population-based park requirements to include The Green, The Square, The Plaza, Paseo Greens, and Paseo Greenways. The General Development Plans shall be in conformance with the Parks and Recreation Department's Consultant's Guide to Park Design and Development, and the City of San Diego Council Policy 600-33 COMMUNITY NOTIFICATION AND INPUT FOR CITY-WIDE PARK DEVELOPMENT PROJECTS, which requires community input, recommendation for approval from the Community Recreation Group, recommendation of approval by the City of San Diego Parks and Recreation Board, and final approval by the Parks and Recreation Department Director.

95. The Owner/Permittee shall provide 8.12 acres of recreational facilities satisfying population-based park requirements and subject to Council Policy 600-33, as shown on the Midway Rising Specific Plan Table 2 of the approved Exhibit "A" to the satisfaction of the Parks and Recreation Director or designee, as follows: Park #1 = total 4.65 acres- The Green: 2.32 acres- Paseo Greens: 1.06 acres- Paseo Greenways: 1.27 acres - Park #2 = total 3.47 acres- The Square: 2.93 acres - The Plaza: 0.54 acres

96. The Owner/Permittee shall ensure that all utility infrastructure on recreational facilities satisfying population-based park requirements shall not impede public recreational use of the facilities in accordance with the approved General Development Plan, including the maintenance of said facilities as required by the Owner/Permittee or other maintaining party.

97. Prior to issuance of any construction permits within the project boundaries, the Owner/Permittee shall ensure Parks and Recreation Department review and approval of the grading plans, public improvement plans, and park construction plans for the project.

98. All recreational facilities satisfying population-based park requirements within the project boundaries shall be designed and constructed in accordance with all Disability Access Laws, all federal, state and local accessibility laws, regulations and standards including but not limited to the applicable version of the Americans with Disabilities Act (ADA), Title II Regulations 28 CFR Part 35 and 35.151, including the 2010 ADA Standards for Accessible Design, (Appendix A of 28 CFR PART 36) (ADAS); The State of California Code of Regulations (CCR), including the current California Building Code (CBC) and the current California Access Compliance Reference Manual; and City of San Diego Access Memorandums.

99. Any substantial deviations from the approved General Development Plans for the 8.12 acres of recreational facilities satisfying population-based park requirements may require the Owner/Permittee to process a General Development Plan Amendment per Council Policy 600-33.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

100. Prior to the issuance of any Certificate of Occupancy, the Owner/Permittee shall assure, by permit and bond the design and construction of all public water and sewer facilities as required in the accepted water and sewer studies for this project in a manner satisfactory to the Public Utilities Department and the City Engineer. Water and sewer facilities, as shown on the approved Exhibit "A", may require modification at final engineering.

101. During ministerial review, the Owner/Permittee shall submit special design and calculations prepared by a Professional Engineer (PE) to show that there will be no adverse loading on the existing 96" sewer main and that the limits of the trenching operations for the sewer repair or replacement will be outside the area of influence of the structure. If unable to

show no adverse loading will occur on the existing 96" sewer main, the Owner/Permittee shall redesign the structure and amend the discretionary permit as necessary.

102. The Owner/Permittee shall perform odor monitoring on the 36" New Ocean Beach Trunk Sewer for a period of at least 10 consecutive days with data collected continuously at maximum 20-minute intervals between the first day of June and the last day of September so that data is collected during the hottest months of the year. Once the odor monitoring data is compiled, the Midway Rising project will prepare a report summarizing and evaluating the odor data collected and make recommendations as to the severity of the odors measured and what level of mitigation is necessary to prevent nuisance odors from emanating from the onsite private sewer system. The odor monitoring evaluation report will be submitted to the City for review and approval to determine whether P-traps are needed or not.

103. The Owner/Permittee shall perform CCTV inspection of the existing 96" sewer main prior to and after construction of the proposed Entertainment Center structure. Video recordings will be provided to the City for review and to determine if any repairs to the sewer main are required due to damage caused by the construction.

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

105. 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 Public Utilities Department 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.

106. Maximum water static pressures onsite are expected to range from 163 psi to 165 psi. When static pressure exceeds 80 psi, the Owner/Permittee shall install individual pressure regulators for services on all pads in order to comply with the California Plumbing Code which limits building supply pressures to a maximum of 80 psi.

107. During ministerial review project team shall evaluate sizing and connection of proposed sewer mains and laterals below the trunk sewer dry weather flow level to ensure mains and laterals are always submerged.

108. During the ministerial phase, project team will need to complete and submit a Deviation from Standards request and Encroachment Maintenance and Removal Agreement (EMRA) for the proposed structure over the interceptor easement.

109. During the ministerial phase (60% design phase), project team will need to develop and submit a shutdown request, which needs to be coordinated with DSD and PUD.

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

111. The Owner/Permittee shall grant sewer access easements as shown on the approved Exhibit "A", satisfactory to the Public Utilities Department and the City Engineer. Easements shall be located entirely within one lot or parcel and adjacent to the property line.

112. No approved improvements or landscaping, including private water facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement (EMRA).

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

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 [INSERT Approval Date] and [Approved Resolution Number].

ATTACHMENT 6

SITE DEVELOPMENT PERMIT NO. PMT-3318619

Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Martha Blake
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.

Midway Rising LLC
Owner/Permittee

By _____
NAME
TITLE

Midway Rising LLC

Owner/Permittee

By _____
NAME
TITLE

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