



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: March 29, 2022 REPORT NO. HO-22-014

HEARING DATE: April 6, 2002

SUBJECT: MVPD AMENDMENT. Process Three Decision

PROJECT NUMBER: [641194](#)

REFERENCE: [Mission Valley Community Plan Update Environmental Impact Report](#)

OWNER/APPLICANT: Handlery Hotels, Inc./Michele Vives with Douglas Wilson

SUMMARY

Issue: Should the Hearing Officer approve the amendments to the permit, conforming the existing hotel and apartment complex with the Mission Valley Community Plan, located at 950 and 1440 Hotel Circle North within the Mission Valley Community Planning area?

Staff Recommendation:

1. Approve the application for Site Development Permit No. 2314714, amending Mission Valley Planned District Permit (MVPDP) No. 99-0348.

Community Planning Group Recommendation: On February 2, 2022, the Mission Valley Community Planning Group voted unanimously to recommend approval of the proposed project without conditions or recommendations.

Environmental Review: City staff determined that the project as proposed is consistent with the Mission Valley Community Plan Update Environmental Impact Report No. 518009 (SCH 2017071066), and in accordance with CEQA Guidelines Section 15162, no new environmental document is required.

BACKGROUND

The Handlery Hotel site is located at 950 Hotel Circle North in the Mission Valley Community Planning area. The apartment building located just west of the hotel is located at 1440 Hotel Circle North. The site is currently zoned RMX-1, with a portion of the eastern edge designated as CC-3-9, (formerly: MVPD-MV-MVSP) within the Mission Valley Community Planning area.

On October 24, 2000, the City Council approved Mission Valley Planned District Permit (MVPDP) No. 99-0348, which permitted the demolition of a movie theater, the construction of a 350-unit apartment complex, and the maintenance of the Handlery Hotel and accessory facilities. The demolition of the movie theater and construction of the apartment complex were completed in accordance with the approved permit. The MVPDP also anticipated future expansion of the hotel from 217 rooms to 328 room, with convention facilities and accessory uses, generally referred to as "Phase 2" in the permit. Specific permit conditions and mitigation measures related to that Phase 2 were part of the approved permit. That expansion has never been pursued, and the hotel currently has the same size facility as when the permit was approved.

In 2019, the City Council approved an updated Mission Valley Community Plan. That plan changed the designation of the Project site from MVPD-MV-CO-CV (Commercial or Visitor) and MVPD-MVR-4 (Residential) to Mixed Use – Medium Density. The existing uses on the site are consistent with the updated Mission Valley Community Plan. The site was also rezoned to RMX-1, which allows for Residential Uses and where Visitor Accommodations are a permitted use. Therefore, the project is consistent with the zone.

DISCUSSION

As noted above, the Phase 2 of the permit, the expansion of the hotel, has not been implemented and the property owner has requested to amend the permit to remove the reference to the expansion and the Phase 2 conditions from the permit. Specifically, condition numbers 15, 28, and 41 are requested to be removed (see Attachment 7). The remaining conditions have been satisfied and would remain in effect for the project site.

Staff considered if the existing permit could be rescinded or canceled in accordance with SDMC Section [126.0110](#), however the existing development does not comply "...with all use and development regulations ... to rescind a development permit ...in accordance with Process One", as the RMX-1 zone has setback requirements from Open Space, and portions of the apartment complex are not in full compliance with those setbacks. While there are no impacts to or development on the Open Space, the RMX-1 setback requirements mean the permit must be amended through the Site Development Permit process, in accordance with SDMC Section [126.0114](#).

CONCLUSION

This amendment can be supported as it proposes modifications that formalize the project as it was developed and exists. The removal of the expansion of the hotel and related permit conditions will maintain the existing development and not impact the Mission Valley Community Plan or be inconsistent with any San Diego Municipal Code requirements. Staff supports the amendment and has provided draft findings and conditions of approval. Staff recommends the Hearing Officer approve Site Development Permit No. 2314714, as proposed.

ALTERNATIVES

1. Approve Site Development Permit No. 2314714, with modifications.

2. Deny Site Development Permit No. 2314714, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Martha Blake', is written over a horizontal line.

Martha Blake, Development Project Manager

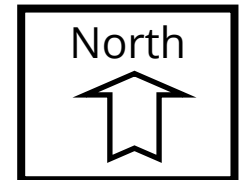
Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Copy of Recorded Permit MVPDP No. 99-0348
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



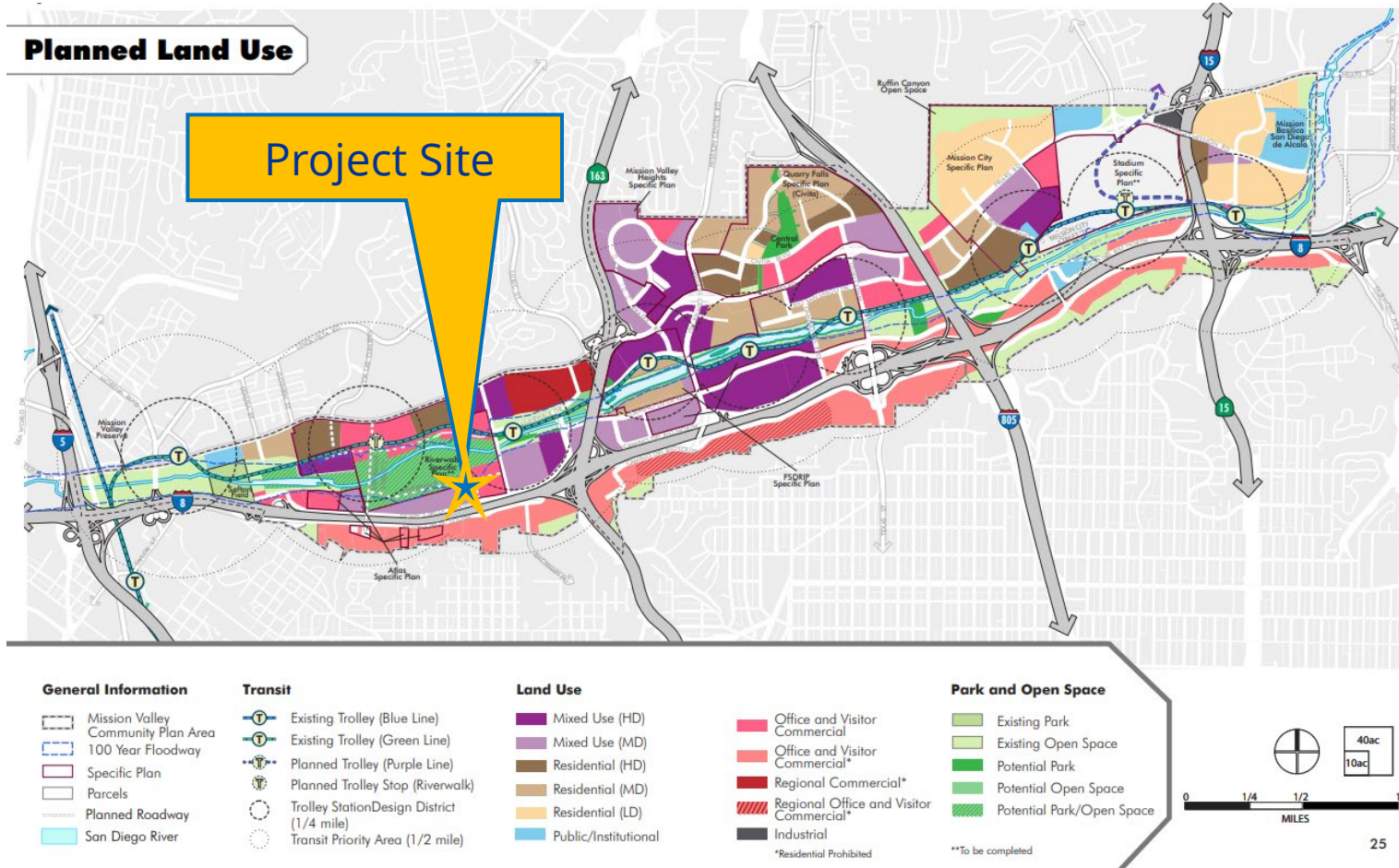
Project Location Map

MVPD Amendment
PROJECT NO. 641194



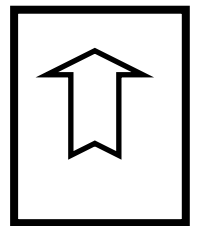
Planned Land Use

Project Site



Land Use Map

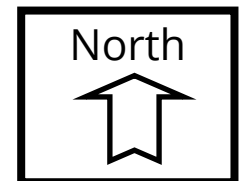
MVPD Amendment
PROJECT NO. 641194



North



Aerial Photo MVPD Amendment PROJECT NO. 641194



HEARING OFFICER
RESOLUTION NO. [REDACTED]
SITE DEVELOPMENT PERMIT NO. 2314714
MVPD AMENDMENT PROJECT NO. 641194
AMENDING MISSION VALLEY PLANNED DISTRICT PERMIT NO. 99-0348

WHEREAS, Handlery Hotels, Inc., Owner/Permittee, filed an application with the City of San Diego for a permit to amend Mission Valley Planned District Permit No. 99-0348 to remove references to additional hotel rooms, and three permit conditions related to those additional rooms which are no longer proposed. No development or modifications to existing development of a multi-residential development project on the site of a demolished movie theater and private recreation facility are proposed, and with the exception of the hotel expansion and three permit conditions, MVPDP No. 99-0348 remains in effect (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated MVPDP Permit No. 99-0348), on portions of a 20.46-acre site;

WHEREAS, the project site is located at 950 Hotel Circle North in the RMX-1 zone of the Mission Valley Community plan;

WHEREAS, the project site is legally described as R.O.S. Maps 1142 and 6238 (a Portion of P.L. 1119) and Joseph Reiners Sub., DB-1-PG 183 (a Portion of P.L. 1103);

WHEREAS, on November 4, 2021 the City of San Diego, as Lead Agency, through the Development Services Department, determined that the project is adequately addressed in Mission Valley Community Plan Update Environmental Impact Report No. 500189, and no new environmental determination is required in accordance with California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) Section 15162;

WHEREAS, on April 6, 2022, the Hearing Officer of the City of San Diego considered Site Development Permit No. 2314714 pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 2314714:

SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

1. Findings for all Site Development Permits:

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

The project proposes amendments to Mission Valley Planned District Permit No. 99-0348, which was approved by the San Diego City Council on October 24, 2000. That approval permitted the demolition of a movie theater and a private recreation facility and the construction of a 350-multi-unit residential development with covered parking and the continued use of an existing hotel and accessory facilities, with conditions applied to a future expansion of the hotel from 217 rooms to 328 rooms. That hotel expansion is being removed from the project description, and the permit conditions applicable to that hotel expansion would also be eliminated. The existing development on the site was constructed as approved per MVPDP No. 99-0348, without any hotel expansion. All of the permit conditions with the exception of the three that only applied to the hotel expansion have been satisfied and will remain in full effect.

In 2019, the City of San Diego adopted an updated Mission Valley Community Plan. The site is now designated as Mixed Use – Medium Density. This land use designation allows for Resident- and Employee-serving commercial uses, in both horizontal and mixed-use forms, up to 89 dwelling units per acre (du/ac). At the time the MVPDP was approved, the project site was designated “Office and Commercial Recreation” and processed a plan amendment to redesignate the portion of the site where the apartment community is located for residential use.

The permit amendment, removing conditions from the MVPDP will have no affect on the Mission Valley Community Plan. No development is proposed, and the existing uses are generally consistent with the existing community plan of mixed uses, serving both residential and employees through the accommodation of apartments and visitor or business serving hotel.

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

The modification of permit conditions related to the addition of hotel rooms that were never constructed will not result in any physical impacts to the project site as it exists today. No additional development is proposed, therefore there is changes or

modifications to the existing conditions of the project site that could be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

At the time the MVPDP was approved, the site was rezoned from MV-CO-CV to MVR-4 and MV-CO-CV to permit the residential density on the western portion of the project site and retaining the hotel use and allowing for the expansion of the hotel. With the approval of the Mission Valley Community Plan update in 2019, the site is now zoned RMX-1, which was established to provide a mix of uses with a focus on residential uses. Residential development is to be the primary use, while the secondary use can be non-residential or residential. Visitor accommodations are a permitted use in the RMX-1 zone.

No development is proposed, and this Site Development Permit amends MVPDP No. 99-0348 to remove the hotel expansion and associated permit conditions to that expansion. The project was designed and constructed in conformance with all applicable regulations and conditions. The amendment requires no deviations and the amendment is consistent with the Land Development Code.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 2314714 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 2314714, a copy of which is attached hereto and made a part hereof.

Martha Blake
Development Project Manager
Development Services

Adopted on: April 6, 2022

IO#: 24008323

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24008323

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 2314714

MVPD AMENDMENT PROJECT NO. 641194

AMENDING MISSION VALLEY PLANNED DISTRICT PERMIT NO. 99-0348

HEARING OFFICER

This Site Development Permit (SDP) No. 2314714, amending Mission Valley Planned District Permit (MVPDP) No. 99-0348 is granted by the Hearing Officer of the City of San Diego to Handlery Hotels, Inc., a California Corporation, Owner/Permittee, Owner, pursuant to San Diego Municipal Code (SDMC) section 126.0505. The 20.46-acre site is located at 950 and 1440-1450 Hotel Circle North in the RMX-1, CC-3-9, and OP-1-1 zones of the Mission Valley Community Plan area. The project site is legally described as R.O.S. Maps 1142 and 6238 (a Portion of P.L. 1119) and Joseph Reiners Sub., DB-1-PG 183 (a Portion of P.L. 1103).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to amend the previously approved MVPDP No. 99-0348, recorded with the San Diego County Recorder's Office on May 3, 2001 as Document No. 2001-0278647. MVPDP No. 99-0348 permitted the demolition of movie theater and private recreational facility, and construction of a 350 multi-residential complex with covered parking and to maintain a hotel and accessory facilities, with the opportunity to expand the hotel from 217 rooms to 328 rooms, with convention facilities and accessory uses. This amendment deletes the reference to maintaining the existing hotel and accessory facilities as well as the hotel expansion and deletes permit conditions related to that expansion, as no expansion has been proposed or constructed. Existing development will remain as approved and described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 24, 2002, on file in the Development Services Department and as conditioned by MVPDP No. 99-0348 and amended as described in this Permit. The project as amended includes:

- a. Demolition of an existing movie theater and a recreation club; and
- b. Construction of a 350-unit residential apartment development located within eleven buildings (six on-grade buildings and five buildings over two-levels of covered parking) with on-grade buildings being four stories in height and residential buildings over parking being three stories in height; and

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities; and
- e. Pedestrian paths and a main promenade separating on-grade structures from above parking units, a recreation building/club house and swimming pool/spa, landscaped themed courtyards, shade structures, a sign plan, and retaining walls and fencing; 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 April 20, 2025.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While MVPDP 99-0348 is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit and MVPDP 99-0348 unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but

not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

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

11. Mission Valley Planned District Permit (MVPDP) No. 99-0683 shall remain in full force and effect except where amended by this Permit.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. MVPDP No. 99-0348 condition No. 15 is deleted. All other conditions remain in effect.

ENGINEERING REQUIREMENTS:

13. All conditions of MVPDP No. 99-0348 remain in effect.

PLANNING/DESIGN REQUIREMENTS:

14. MVPDP No. 99-038 Condition No. 28 is deleted. All other conditions remain in effect.

LANDSCAPE REQUIREMENTS:

15. All conditions of MVPDP No. 99-0348 remain in effect.

WASTEWATER REQUIREMENTS:

16. All conditions of MVPDP No. 99-0348 remain in effect.

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 Hearing Officer of the City of San Diego on April 6, 2022 and [Approved Resolution Number].

ATTACHMENT 5

Permit Type/PTS Approval No.: 2314714
Date of Approval: April 6, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

NAME
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.**

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ATTACHMENT 6

DOC # 2001-0278647

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

MAY 03, 2001 11:03 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 89.00

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A



2001-0278647

SPACE ABOVE 1

MISSION VALLEY PLANNED DISTRICT PERMIT NO. 99-0348
PRESIDIO VIEW
CITY COUNCIL

This Mission Valley Planned District Permit is granted by the Council of the City of San Diego to Handlery Hotels, Inc., a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.2101, 101.0900, 101.0910 and 111.0510. The 20.46 acre site is located at 950 and 1440-1450 Hotel Circle North in the MV-CO-CV (proposed MV-CO-CV and MVR-4) zone of the Mission Valley Community Plan area and Mission Valley Planned District Ordinance. The project site is legally described as R.O.S. Maps 1142 and 6238 (a Portion of P.L. 1119) and Joseph Reiners Sub., DB-1-PG 183 (a Portion of P.L. 1103).

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to demolish an existing movie theater currently in use as a temporary church facility under Conditional Use Permit No. 99-1375 and a private recreational facility, to construct a 350 multi-family residential dwelling unit complex with covered parking, and to maintain an existing hotel and accessory facilities, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 24, 2000, on file in the Development Services Department. This permit and facility shall include:

- a. Demolition of an existing movie theater (in current use as a temporary church facility) and a recreation club; and
- b. Construction of a 350-unit residential apartment development located within eleven buildings (six on-grade buildings and five buildings over 2 levels of covered parking) with on-grade buildings being 4 stories in height and residential buildings over parking being 3 stories in height; and
- c. Maintenance of an existing 217 room hotel and accessory uses; and

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- d. Landscaping (planting, irrigation and landscape related improvements); and
 - e. Off-street parking facilities; and
 - f. Pedestrian paths and a main promenade separating on-grade structures from above parking units, a recreation building/club house and swimming pool/spa, landscaped themed courtyards, shade structures, a sign plan and retaining walls and fencing; and
 - g. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decisionmaker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
 3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
 4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but

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not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 24, 2000, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

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

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

10. Rezoning of the subject property shall become effective 30 days after adoption of the accompanying Rezone Ordinance for the project site. No grading or building permits shall be issued until the rezone is effective.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Prior to the issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review [LDR], Development Services Department, stating that a qualified archaeologist and/or archaeological

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monitor, as defined in the City of San Diego Historical Resources Guidelines, have been retained to implement the monitoring program. The requirement for archaeological monitoring shall be noted on the grading plan. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

- a. The qualified archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.
- b. The qualified archaeologist or archaeological monitor shall be present onsite full-time during grading of native soils.
- c. **WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
- d. All cultural materials collected shall be cleaned, catalogued and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.
- e. Prior to the release of the grading bond, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to the release of the grading bond.

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12. Prior to the issuance of the first building permit, the applicant shall provide its fair share contribution towards the subdivider-funded street widening project MV-10A in the current Mission Valley Public Facilities Financing Plan dated January 1988, amended December 1996. This project is to widen Hotel Circle North between Camino de La Reina and Interstate 8 westbound ramps. The applicant shall contribute the residential share of 20.32 percent of the total cost of this improvement project with the 15.08 percent share for the hotel site deferred until that future Mission Valley PDO Permit is approved.

13. Prior to the issuance of the first building permit, the applicant shall provide its fair share contribution towards the subdivider-funded street widening project MV-8B in the current Mission Valley Public Facilities Financing Plan dated January 1988, amended December 1996. This project is to widen Hotel Circle South between Camino de La Reina and the Interstate 8 eastbound ramps. The applicant shall contribute the residential share of 15.56 percent of the total cost of this improvement project with the 11.54 percent share for the hotel site deferred until that future Mission Valley PDO Permit is approved.

14. Prior to the issuance of the first building permit, the applicant shall assure the installation of a traffic signal at the intersection of Hotel Circle South/Bachman Place unless an acceptable arrangement is made where the University of California at San Diego Medical Center shall assure the signal installation prior to the development of Presidio View.

15. Prior to the issuance of the first building permit for the second phase of this project (remodel/renovation/reconstruction of the hotel with a future MVP Amendment to this Permit), the applicant shall assure the installation of a traffic signal at the intersection of Hotel Circle North/Interstate 8 westbound ramps. This improvement is subject to the approval of the City Engineer and Caltrans. Installation of the traffic signal will also need to be coordinated and reviewed with the City Engineer and Caltrans. City staff shall initiate contact and discussions with Caltrans to implement and coordinate these improvements. Should Caltrans not approve or permit this improvement, the applicant shall deposit the equivalent funds in the Mission Valley FBA fund to be used for other transportation improvements.

16. Prior to the issuance of the first building permit, the applicant shall assure the installation of a traffic signal at Hotel Circle South/Interstate 8 eastbound ramps. This improvement is subject to the approval of the City Engineer and Caltrans. Installation of the traffic signal will also need to be coordinated and reviewed with the City Engineer and Caltrans. City staff shall initiate contact and discussions with Caltrans to implement and coordinate these improvements. Should Caltrans not approve or permit this improvement, the applicant shall deposit the equivalent funds in the Mission Valley FBA fund to be used for other transportation improvements.

17. Prior to the issuance of the first grading permit, the City Engineer shall verify that appropriate post-construction Best Management Practices [BMPs] have been incorporated into the project design. The stormwater BMPs could include, but are not limited to, one or a combination of the following:

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ORIGINAL

- a. Infiltration trenches or dry wells which can reduce runoff volume and peak discharge rate from a site.
- b. Vegetative controls such as grassed swales and filter strips.
- c. Porous pavement that allows stormwater to pass through and infiltrate the underlying soil, such as pre-cast concrete lattice pavers or porous asphalt that contains a much smaller percentage of very fine particles.

18. The Mitigation Monitoring and Reporting Program [MMRP] shall require a deposit of \$450 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

ENGINEERING REQUIREMENTS:

19. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. The drainage system proposed with this development is subject to approval by the City Engineer.

21. Prior to the issuance of any permits, the applicant shall provide an off-site drainage easement for the proposed box culvert at the westerly property.

22. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed, approved, and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

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

24. A portion of this project has been identified as being within a floodway or floodplain fringe area. In connection with approval of this permit:

- a. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
- b. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.
- c. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
- d. The developer shall not oppose the formation of a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
- e. The developer shall denote on the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
- f. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
- g. The developer shall provide safety fencing where required by the City Engineer.
- h. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
- i. The developer shall grant drainage easements, satisfactory to the City Engineer.
- j. Portions of the project are located in the floodplain of San Diego River, as delineated on Panel 1618 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency [FEMA].
- k. No permits shall be issued for grading or other work in the floodplain of San Diego River until the developer obtains a Conditional Letter of Map Amendment [Conditional LOMA] or Conditional Letter of Map Revision [Conditional LOMR]

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ORIGINAL

from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego's Engineering and Capital Projects Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

- l. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Engineering and Capital Projects Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- m. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Engineering and Capital Projects Department will notify the Development Services Department of such issuance as soon as it is informed by FEMA.
- n. Notes provided by the Floodplain Management Section of the City of San Diego's Engineering and Capital Projects Department concerning work in designated floodplains shall be included in all grading and improvement plans.

25. The easterly driveway shall not exceed the City standard of 30-foot width and if any portion of the driveway remains on the adjoining property, a Letter of Concurrence from the adjoining property owner is required.

26. The applicant and the adjoining property owner to the east, will dedicate the appropriate right-of-way to provide for improvements to Hotel Circle North and the Interstate 8 westbound ramps, based on an improvement plan acceptable to the City Engineer and Caltrans. The applicant shall assure the construction of these improvements prior to the issuance of the first building permit for the apartment development. The traffic signal associated with this improvement is deferred per Condition No. 15 of this permit to the second phase (Hotel Amendment). If the Irrevocable Offer of Dedication from the adjoining owner is not provided, or the continued use of the hotel service entrance cannot be preserved through the improvement project design, or if Caltrans does not accept a workable design, this condition would be void and the traffic signal required in Condition No. 15 above would be required prior to the issuance of the first building permit for the apartment development.

PLANNING/DESIGN REQUIREMENTS:

27. Conditional Use Permit [CUP] No. 99-1375 for the use of the former movie theater as a church facility shall be canceled and the use terminated according to the terms of the CUP, prior to the utilization of this permit.

Floodplain Management Section of the City of San Diego's Engineering and Capital Projects Department

-PAGE 8 OF 14-

ORIGINAL

28. A site specific Mission Valley Planned District Ordinance Permit [MVP] will be required at a future date for the proposed expansion of the existing hotel from 217 rooms to a proposed 328 rooms with convention facilities and accessory uses. As required by Conditions No. 12 and 13 above, the hotel share of contributions to traffic oriented improvement projects will be required as conditions of the required MVP Permit to consider approving the expansion plans for the hotel.

29. No fewer than 653 off-street residential automobile parking spaces, 25 motorcycle spaces and 151 bicycle spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated October 24, 2000, on file in the Development Services Department. Of the 653 automobile spaces, 502 are required for the tenants and 151 spaces are required for the supplemental guest parking (131 spaces must be located in a common area). Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager. Additionally, the Hotel parking requirement is one space per guest room existing.

30. This permit may be developed in phases. Each phase shall be constructed prior to the sale, rent or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase.

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

32. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

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

34. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

35. All signage associated with this development shall be consistent with the sign plan marked Exhibit "A," dated October 24, 2000, on file in the Development Services Department.

36. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
37. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
38. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
39. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
40. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials per the Municipal Code to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated October 24, 2000, on file in the Development Services Department.
41. The owner/permittee, with the future amendment of this permit for renovation/expansion of the existing hotel site, shall provide an acceptable vehicular drive/access between Hotel Circle North and the proposed Street 'B' currently shown in the Levi-Cushman Specific Plan and Development Agreement to the satisfaction of the City Engineer and City Planner. Additionally, recreational facilities shown conceptually in Exhibit "A," dated October 24, 2000, on file in the Development Services Department, shall be encouraged to be retained when the hotel amendment is submitted for review and processed by the City.

LANDSCAPE REQUIREMENTS:

42. The project shall provide the public sidewalk on the north side of Hotel Circle North across the entire project frontage with the first building permits for the development of the apartment units. In conjunction with the sidewalk improvements, the Owner/applicant shall provide Bus Stop improvements, including additional sidewalk widths and a shelter structure at the appropriate location(s) to best serve the apartment dwellers and hotel guests, as determined by the Metropolitan Transit Development Board [MTDB]. The bus stop improvements may encroach into the front yard setback as necessary. An easement for any encroachment onto private property shall be provided as determined by the City Engineer.
43. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City

Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 24, 2000, on file in the Development Services Department.

44. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

45. In the event that a foundation only permit is requested by the Permittee or subsequent owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated October 24, 2000, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

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

47. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee, or subsequent owner, to install all required landscaping and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

48. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

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

50. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

51. The applicant, as a requirement of the first building permit for the apartment units, shall plant bougainvillea vines along the chain link fencing between Hotel Circle North and the

Interstate 8 Freeway along the project boundary, plant size, spacing and irrigation system to be determined to the satisfaction of the City Manager.

WASTEWATER REQUIREMENTS:

52. Prior to the issuance of any building permits, the developer shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of any proposed public gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies. The study shall identify appropriate easements and vehicular access.

53. Prior to the issuance of any certificates of occupancy, the developer shall install all sewer facilities as required by the accepted sewer study necessary to serve this development, including vehicular access within easements.

54. The developer agrees to design all proposed public sewer facilities in accordance with the criteria established in the most current edition of the "City of San Diego Water & Sewer Design Guide." Proposed facilities that do not meet the current standards shall be private.

55. The developer shall grant adequate, sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Wastewater Department Director. Minimum easement width for sewer mains with manholes is 20 feet. The easements shall be located within single lots. No structures shall be installed nor any trees planted in or over any access easement prior to the applicant obtaining an encroachment removal agreement.

LITIGATION:

56. The referenced owner/permittee and the Metropolitan Transit Development Board [MTDB] are involved in litigation over MTDB acquisition of the 5-acre offsite parcel that MTDB requires as mitigation for the construction of the West Mission Valley Trolley Line. MTDB is to acquire the FW zoned site, preserve it as open space and the development rights associated with the existing parcel are transferred to the Presidio View apartment and hotel sites through 1,315 ADTs, thereby permitting the 350 proposed apartment units and future expansion of the hotel rooms and convention facilities. No grading, public improvement or building permits may be issued until evidence of the final resolution of this litigation is provided to the City of San Diego.

4373

INFORMATIONAL:

At the time of building permit issuance, a Development Impact Fee [DIF] of \$2,307 per dwelling unit will be assessed.

APPROVED by the Council of the City of San Diego on October 24, 2000, by Resolution No. R-294064.

4/5/01; 4/23/01 Corrected
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ORIGINAL

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AUTHENTICATED BY THE CITY MANAGER

By 

Stephen M. Haase
Assistant Director - Development Review
Planning and Development Review
for the City Manager

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

HANDLERY HOTELS, INC.
a California Corporation
Owner/Permittee

By 
President

By _____

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

4/5/01
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ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN DIEGO

} ss.

On APRIL 10, 2001, before me,

Date

PHILLIP D. HILL, NOTARY PUBLIC

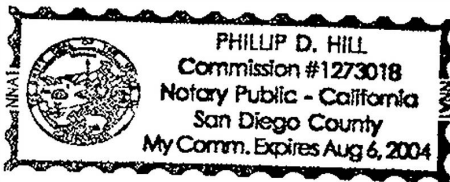
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

STEPHEN M. HAASE

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



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

WITNESS my hand and official seal.

Phillip D. Hill
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached DocumentTitle or Type of Document: MVPD 99-0348 PRESIDIO VIEWDocument Date: _____ Number of Pages: 14

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

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

Signer Is Representing: _____

**RIGHT THUMBPRINT
 OF SIGNER**
 Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Francisco

} ss.

On April 17, 2001, before me, Susan L. Foster, Notary Public

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Arthur John Pekarul

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

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



Place Notary Seal Above

WITNESS my hand and official seal.

Susan L. Foster

Signature of Notary Public

OPTIONAL

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

Description of Attached DocumentTitle or Type of Document: Planned District PermitDocument Date: April Number of Pages: 14

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by SignerSigner's Name: Arthur John Pekarul☐ Individual☒ Corporate Officer — Title(s): President, Handlery Hotels, Inc.☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

(R-2001-1183 COR. COPY)
04/23/01

RESOLUTION NUMBER R-294064

ADOPTED ON OCTOBER 24, 2000

WHEREAS, Handlery Hotels, Inc., Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing movie theater and a private recreation club, to construct a 350-unit apartment development with covered parking, and to maintain an existing hotel and accessory facilities for the Presidio View project, located 950-1450 Hotel Circle North between Hotel Circle Place and Fashion Valley Road, and legally described as R.O.S. Maps 1142 and 6238 (a Portion of P.L. 1119) and Joseph Reiners Sub., DB-1-PG 183 (a Portion of P.L. 1103), in the Mission Valley Community Plan area, in the existing MV-CO-CV zone (proposed MV-CO-CV and MVR-4 zones); and

WHEREAS, on August 10, 2000, the Planning Commission of the City of San Diego considered Mission Valley Planned District [MVP] Permit No. 99-0348, and pursuant to Resolution No. 3013-1-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on October 24, 2000, 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 this Council adopts the following findings with respect to MVP Permit No. 99-0348:

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MISSION VALLEY PLANNED DISTRICT ORDINANCE (PDO) FINDINGS (SAN DIEGO MUNICIPAL CODE SECTION 103.2101)

A. The proposed development is consistent with the Mission Valley Community Plan and the City's Progress Guide and General Plan.

The 20.46-acre project site consists of two non-contiguous parcels of land, including an approximately 5 acre site of river valley property which is open and undeveloped and an approximately 15 acre developed site under the Mission Valley PDO and designated for "Office or Commercial Recreation" use by the Mission Valley Community Plan. The 15 acre site is currently developed with a movie theater (currently in use as a temporary church through a Conditional Use Permit), a private recreation club and a hotel. A concurrent amendment to the City of San Diego Progress Guide and General Plan, the Mission Valley Community Plan and the Mission Valley Planned District Ordinance is proposed to redesignate the 7.15 acre portion of the site occupied by the theater and recreation club, from the office and visitor recreation designation to residential use. A rezone of the 7.15 acre site from MV-CO-CV to MVR-4 (56 du/ac maximum) is also proposed to accommodate the 350 apartment units, parking, open space and accessory recreational use. The offsite 5 acre site is the subject of an eminent domain action by the Metropolitan Transit Development Board [MTDB] and is being acquired as mitigation for the West Mission Valley Trolley Line impacts. The owner/applicant will retain the development rights through a transfer of ADTs to the 15 acre hotel and proposed apartment site in order to achieve the higher residential density. There will be a future PDO permit application to demolish the hotel and build a new hotel with an increase in the number of rooms and enhanced convention facilities and accessory uses. City staff review of the proposed project and conditions of approval imposed through the accompanying Mission Valley PDO Permit, will assure that the proposed development under current consideration will be consistent with the Mission Valley Community Plan as amended and the City's Progress Guide and General Plan.

B. The proposed development provides the required public facilities and is compatible with adjacent open space areas.

The 20.46 acre site is proposed for redevelopment of a 7.15 acre portion from existing movie theater and private recreation club use to 350 residential apartments with parking, open space and accessory recreational uses, future redevelopment of an existing hotel on approximately 8 acres to provide additional guest rooms and convention facilities through a site specific permit and an increase in development intensity to achieve the residential and hotel developments through transfer of the ADT allocation from the offsite 5-acre open space parcel to the 15-acre residential and hotel parcels. No public facilities are identified by the Mission Valley Community Plan for the subject property. While very few public facilities are actually located in Mission Valley, these services are located in the numerous communities bordering and accessible from Mission Valley and will serve the needs of the project residents. Adjoining properties to the east and west are designated for office and visitor serving uses and the property adjoining to the north

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is designated for mixed uses. An open space corridor lies farther to the north and generally follows the route of the San Diego River through a golf course. Interstate 8 and a freeway frontage road lie south of the project site. The residential use proposed on this site is being accomplished through an amendment to the adopted City plans.

C. The proposed development meets the general purpose, intent and criteria of the Mission Valley Planned District including the applicable "Guidelines for Discretionary Review" adopted as a part of this Planned District Ordinance.

In order to develop a 7.15 acre portion of this 20.46 acre site with 350 residential apartment units with parking, open space and accessory recreational uses, a concurrent Mission Valley Community Plan, Mission Valley Planned District Ordinance and Progress Guide and General Plan amendment is required. With these amendments, the use will conform to the adopted plans as well as the future redevelopment of the existing hotel on approximately 8 acres of the project site. To develop the currently requested 350 residential apartment units and to consider a future permit for the increased intensity of the hotel, a transfer of ADT allocation is proposed from a 5 acre offsite parcel being used as a mitigation site. The permit process is subject to the "Guidelines for Discretionary Review" contained within the Mission Valley Planned District Ordinance. These criteria address physical and visual access to the river and wetlands, preserving buffers, building designs to take advantage of the wetland views, pedestrian and landscaping enhancements, building materials and commercial and recreational incorporation. Staff has reviewed the project for conformity to these guidelines and to the specific requirements of the residential zones and believe that the final design represents conformity to the general intent and purpose.

D. The proposed development will comply with all other relevant regulations of the San Diego Municipal Code in effect for this site.

For the development of this 20.46 acre project site as proposed, it is required to amend the Mission Valley Community Plan, the Mission Valley Planned District Ordinance, and the Progress Guide and General Plan, and to approve the accompanying rezone from MV-CO-CV to MVR-4 and MV-CO-CV in order to permit the residential density up to 56 du/ac, thereby retaining the hotel and allowing for consideration of its future expansion. Also required is the transfer of the ADT allocation from the offsite 5 acre open space parcel to the 15.36 apartment and hotel sites. No other permits or maps are required and the appropriate public hearings, notices, and actions are all being properly considered as required by the San Diego Municipal Code.

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

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BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Mission Valley Planned District Ordinance Permit No. 99-0348 is granted to Handlery Hotels, Inc., Owner/Permittee, subject to the conditions listed below and pursuant to the terms and conditions set forth in the permit attached hereto and made a part hereof.

1. The hook ramp improvements shall be done in Phase One;
2. The bus stops and sidewalk improvements shall be included in the permit;
3. Bougainvillea will shall be planted along the fence, similar to the one along Interstate 5 in Old Town; and
4. Item No. 19 in the draft permit regarding the widening of Hotel Circle North shall be deleted.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzetta
Deputy City Attorney

MJL:lc
04/04/01
04/23/01 (Permit corrected.)
Or.Dept:Clerk
R-2001-1183
Form=permitr.frm
Reviewed by Robert Korch

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ORIGINAL

Passed and adopted by the Council of San Diego on October 24, 2000 by the following vote:

YEAS: MATHIS, KEHOE, STEVENS, BLAIR, STALLINGS, McCARTY, VARGAS

NAY: NONE

VACANT: NONE

NOT PRESENT: MAYOR GOLDING, WEAR

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By: Esther Ramos, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R- 294064, passed and adopted by the Council of The City of
San Diego, California on October 24, 2000.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By:  Deputy

ORIGINAL

City of San Diego
Office of the City Clerk

MEMORANDUM

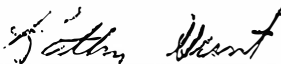
533-4000

DATE: May 3, 2001
TO: Holders of the Boards and Commissions Directory
FROM: Charles G. Abdelnour, City Clerk
SUBJECT: Citizen Boards and Commissions Update

Attached are instructions for updating the Directory of Citizen Boards and Commissions.

If there is a change in the number of updates you would like to receive or you would like to be removed from the distribution list, contact Kathy Hunt, Mail Station 2A, 533-4050, who will amend the list for future distributions. Kathy should also be contacted if you have any questions or comments.

CHARLES G. ABDELNOUR
City Clerk

By 
Kathy Hunt, Deputy

4383

Date: May 3, 2001
To: Holders of the Boards and Commissions Register
From: Charles G. Abdelnour, City Clerk
Subject: Citizen Boards and Commissions Update

Please remove and insert the following pages in the Boards and Commissions Register:

MEMBERSHIP REGISTER

Remove page 4	Insert page 4, Updated: 5/03/01
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CENTRE CITY DEVELOPMENT CORPORATION (CCDC)

Board Members	Appointment Date	Expiration Date	Category
DANIEL GUEVARA 1420 Kettner Boulevard, Suite #600 San Diego, CA 92101-2433	03-17-1997	05-01-2002	Law
JULIE DILLON 100 W. Broadway, Suite 1980 San Diego, CA 92101	03/29/1999	05-01-2002	Real Estate
REESE A. JARRETT 525 Hawthorne Suite #3 San Diego, CA. 92101	03/29/1999	05-01-2002	Real Estate
ROBERT P. ITO San Diego Community Housing Corp. 8799 Balboa Ave. #100 San Diego, CA 92123	03/27/01	05/01/04	General Business
GIL JOHNSON 2643 Ariane Drive San Diego, CA 92117	11/21/00	05/01/03	Business-Finance
PETER Q. DAVIS 275 Island Street San Diego, CA 92101	10/02/00	05/01/03	Finance
HAROLD G. SADLER F.A.I.A. Tucker, Sadler & Associates 2411 Second Ave. San Diego, CA 92101	03/27/01	05/01/04	Architect
- 7 Members, 3 Year Term, Appointed by Council - Members required to file Conflict of Interest form			R-294811 Rev: 01/25/01 - List Updated: 05/03/01

OLD TOWN SAN DIEGO PLANNED DISTRICT DESIGN REVIEW BOARD

Board Members	Term Appointment Date	Term Expiration Date	Category
JACK BORGOS 1441 S. Magnolia El Cajon, CA 22020	07-17-95	03-01-2003	Community Planning Committee
PAUL W. JOHNSON 3254 4 th Ave. San Diego, CA 92103-5702	10/19/98	3/01/2002	Architect
EDWARD M. TRACY 2266 Juan Street San Diego, CA 92103-1159	07-17-95	3-01-2002	Property Owner, Old Town
OLIVE CHIVERS 4135 Twiggs St. San Diego CA 92110-2812	12/14/99	03/01/2003	Property Owner Old Town
KATHLEEN A. GARCIA *RESIGNED* 3110 Laurel Street San Diego, CA 92104-5025	03-27-95	03-01-2003	Landscape Architect
Kevin Konopasek Ramada Inn 2435 Jefferson San Diego, CA 92110	10/19/98	3/01/2001	Community Planning Committee
KAREN SPRING 2461 San Diego Ave. Suite 203 San Diego, CA 92110	10-19-98	03-01-04	Community Planning Committee
Ex Officio Member: Planning Director or designee			
-7 Members, 4 Year Term and until a successor is appointed -Appointed by Mayor, Confirmed by Council -If Mayor does not appoint within 45 days, Council can appoint *Members required to file Conflict of Interest form			Rev: 03/26/01 Updated: 04/11/00 R-292933

TECOLOTE CANYON CITIZEN ADVISORY BOARD*					
Board Members	Term Appointment Date	Term Expiration Date	Board Members	Term Appointment Date	Term Expiration Date
ELOISE BATTLE 5635 Tamres Drive San Diego, CA 92111	07-31-92 (Mayor)	Indefinite	SUSAN L. BREISCH 4735 Mt. Ashmun Drive San Diego, CA 92111	07-31-92 (At Large)	Indefinite
KARL R. ANDERSON 5886 Scripps Street San Diego, CA 92122	07-31-92 (District 1)	Indefinite	VACANT	(At Large)	
VACANT	(District 2)		VACANT	(At Large)	
VACANT	(District 3)		TIMOTHY J. GRAVES 7505 Baltic Street San Diego, CA 92111	07-31-92 (At Large)	Indefinite
VACANT	(District 4)		EDWARD I. HATCH 4442 Bertha Street San Diego, CA 92117-3803	07-31-92 (At Large)	Indefinite
VACANT	(District 5)		HELEN M. DILLON HIATT *RESIGNED* 6161 Caminito Del Oeste San Diego, CA 92111	07-31-92 (At Large)	Indefinite
DON STEELE 5550 Balboa Arms Dr. #30 San Diego, CA 92117	10-23-00 (District 6)	Indefinite	JON G. LEHR 5181 Gardena San Diego, CA 92110	07-31-92 (At Large)	Indefinite
SUZY LOGAN 5549 Mt. Acara San Diego, CA 92111	07-31-92 (At Large)	Indefinite	INGRID LEWIN 4981 September Street San Diego, CA 92110	07-31-92 (At Large)	Indefinite
LINDA K. SMITH 5775 Waverly Avenue San Diego, CA 92037	07-31-92 (At Large)	Indefinite	RAYMOND SHIPPS 4240 Taos Drive San Diego, CA 92117	07-31-92 (At Large)	Indefinite
CONNIE BARNETT 3109 Mt. Carol Drive San Diego, CA 92111	07-31-92 (At Large)	Indefinite	COURTNEY SHUCKER 2512 Cowley Way L/O San Diego, CA 92110	07-31-92 (At Large)	Indefinite
			VACANT	(At Large)	
-21 Members, Indefinite Term -9 Appointed by Mayor and Council, 12 Elected within the 6 subdistricts of the City of San Diego *Members required to file Conflict of Interest Form					
				Updated: 4/06/01 Revised: 4/18/01	

DOCUMENT - PRESIDIO VIEW, Mission
Valley Planned District Permit No.
99-0348

FILED - MAY 3, 2001

OWNER/PERMITTEE HANDLERY HOTELS,
Inc., A CALIFORNIA CORPORATION

For a Mission Valley Planned District Permit granted by the Council of the City of San Diego, pursuant to San Diego Municipal Code. The 20.46 acre site is located at 950 and 1440-1450 Hotel Circle North in the MV-CO-CV (proposed MV-CO-CV and MVR-4) zone of the Mission Valley Community Plan area and Mission Valley Planned District Ordinance. The project site is legally described as R.O.S. Maps 1142 and 6238 (a portion of P.L. 1119) and Joseph Reiners Sub., DB-1-PG 183 (a portion of P.L. 1103).

CC: Permit Intake Services,
MS #501
(For distribution)

DOCUMENT - MVPDP 99-0348

FILED - OCTOBER 24, 2000

OWNER/PERMITTEE HANDLERY HOTELS,
Inc., A CALIFORNIA CORPORATION

To demolish an existing movie theater and a private recreation club, to construct a 350-unit apartment development with covered parking, and to maintain an existing hotel and accessory facilities for the Presidio View project, and legally described as R.O.S. Maps 1142 and 6238, located 950-1450 Hotel Circle North between Hotel Circle Place and Fashion Valley Road.

CC: Permit Intake Services,
MS #501
(For distribution)

Click here to complete and submit this form online

Page 3		City of San Diego • Information Bulletin 620		May 2020					
		Community Planning Committee Distribution Form							
Project Name: Digital MVPD Amendment			Project Number: PTS #641194)						
Community: Mission Valley									
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>									
<input checked="" type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny									
# of Members Yes	# of Members No	# of Members Abstain							
14	0	1							
Conditions or Recommendations:									
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)									
NAME: Jonathan Frankel									
TITLE: Chair			DATE: 3/16/22						
<i>Attach additional pages if necessary (maximum 3 attachments).</i>									

Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM



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

Ownership Disclosure Statement

**FORM
DS-318**

October 2017

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 _____

Project Title: Amendment to MVPDP 99-0348 Handlery Hotel **Project No. For City Use Only:** _____

Project Address: 950 Hotel Circle North, San Diego, CA 92108

Specify Form of Ownership/Legal Status (please check):

☒ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. 94-1054227

☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. 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.

Property Owner

Name of Individual: Arthur John Pekrul, CEO of Handlery Hotels, Inc. ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 180 Geary Street, Suite 700

City: San Francisco State: California Zip: 94108

Phone No.: 415-781-4550 Fax No.: _____ Email: jpekru@handlery.com

Signature:    Date: June 5, 2019

Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: Michele Vives - Douglas Wilson Companies (Consultant) ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 1620 Fifth Avenue, Suite 400

City: San Diego State: CA Zip: 92101

Phone No.: 619-906-4376 Fax No.: N/A Email: mvives@douglaswilson.com

Signature:  Date: June 15, 2019

Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No